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Monday
April 27, 1987

Book 1 of 2 Books

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Presidential Documents

Title 3—

The President

Proclamation 5636 of April 23, 1987

National Defense Transportation Day and National Transportation Week, 1987

By the President of the United States of America

A Proclamation

Throughout our history, the building and improvement of transportation links have been vital to the exploration and settlement of our country and to the development of its commerce. We can all be grateful that these processes have never ceased and that the spirit of enterprise that motivated early American pioneers still thrives today.

During the early decades of our Republic, planners, engineers, and workmen built the Cumberland Road from western Maryland to central Illinois. This road started what was to become a vast, 42,000-mile network of interstate and defense highways across the United States.

Other notable undertakings illustrate the evolution of Americans' mobility. By 1825, the Erie Canal opened the Great Lakes to commerce; its success spurred a huge inland waterway system, including the St. Lawrence Seaway. By 1850, more than a thousand steamboats plied our rivers, and clipper ships came to dominate trade with China. By 1869, the transcontinental railroad was completed. Technological advances of the late 19th and early 20th centuries brought the automobile and the airplane, and further developments resulted in space flight.

Our land, water, and air transportation systems provide us with fast, efficient, and safe personal and commercial travel. They are vital not only to our economy and our personal mobility, but also to the defense of our Nation. Our ability to transport people and materials in time of emergency is a critical aspect of our national security.

In recognition of the importance of transportation and of the millions of Americans who serve and supply our transportation needs, the Congress has requested, by joint resolution approved May 16, 1957 (36 U.S.C. 160), that the third Friday in May of each year be designated as "National Defense Transportation Day"; and by joint resolution approved May 14, 1962 (36 U.S.C. 166), that the week in which that Friday falls be proclaimed "National Transportation Week."

NOW, THEREFORE, I, RONALD REGAN, President of the United States of America, do hereby proclaim Friday, May 15, 1987, as National Defense Transportation Day and the week of May 10 through May 16, 1987, as National Transportation Week. I urge the people of the United States to observe these occasions with appropriate ceremonies that will give full recognition to the importance of our transportation system to this country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-9544
Filed 4-23-87; 2:45 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5637 of April 23, 1987

Seventy-fifth Anniversary Year of the Department of Labor

By the President of the United States of America

A Proclamation

March 4, 1988, will be the seventy-fifth anniversary of President William Howard Taft's signing into law an act establishing the United States Department of Labor. In celebrating this milestone, we honor both the mandate of this ninth Executive department and the men and women who have made that mandate a reality through the years.

Recognition of the need for a Department of Labor began in the late 19th and early 20th centuries. Labor organizations such as the Knights of Labor and the American Federation of Labor (AFL) urged the creation of a Federal department to deal with matters affecting working people. A Bureau of Labor was established in the Department of the Interior in 1884. This Bureau was made an independent, but not Executive-rank, Department of Labor in 1888. When the Department of Commerce and Labor was created in 1903, the Department of Labor returned to bureau status within it. The famed labor leader Samuel Gompers and others then campaigned for a Cabinet-level Department of Labor.

That campaign bore fruit with President Taft's bill-signing in 1913. The mandate of the Department of Labor was "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions and to advance their opportunities for profitable employment." That immense task has inspired the Department ever since.

The Department has fulfilled its duties during war and peace, during depression and prosperity. Through the years, the Department of Labor has improved the lives of working people and benefited all Americans through its contributions to the success of our economy.

Among other tasks, the Department helps workers find and train for jobs; monitors changes in employment, prices, and other economic measures; oversees the broad range of working conditions and safeguards working people's rights; assures and strengthens collective bargaining; and ensures freedom from discrimination. Seeking to help business and industry achieve economic growth and stability, the Department also promotes cooperative relationships between labor and management and encourages collaborative efforts with trade unions and employer organizations.

The Department has played a significant international role as well, cultivating understanding among labor organizations throughout the world and fostering free unions and efficient governmental labor institutions in other nations.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the year 1988 as United States Department of Labor Seventy-fifth Anniversary Year. I call upon the people of the United States to observe this Anniversary Year with appropriate programs, ceremonies, and activities. In order to enhance participation in this important observance, I call upon the Secretary of Labor to establish an Honorary Committee for the Department of Labor Seventy-fifth Anniversary Year, and to invite all living former Secretaries of Labor and the Presidents of the AFL–CIO and the Chamber of Commerce to act as Co-Chairs of the Committee. I also call upon the Secretary to invite other distinguished persons to serve as Committee members, including representatives of the Congress, labor, management, and academia.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87–9545
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245

[INS No. 1003-87]

Adjustment of Status to That of Persons Admitted for Lawful Permanent Residence; Creation of Records of Lawful Admission for Permanent Residence; Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments; correction.

SUMMARY: This document corrects a legal citation contained in interim regulations implementing Cuban/Haitian adjustment provisions of Pub. L. 99-603 which were published March 3, 1987 (52 FR 6320).

FOR FURTHER INFORMATION CONTACT: Joseph D. Cuddihy, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone (202) 663-3320.

§ 245.6 [Amended]

In FR Doc. 87-4356 published Tuesday, March 3, 1987, on page 6322, column 2 under § 245.6(c)(3), the reference "243(h)" is corrected to read "243(h)(2)".

Dated: April 21, 1987.

Richard E. Norton,

Associate Commissioner, Examinations.

[FR Doc. 87-9395 Filed 4-24-87; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 335

[Docket No. 86-048I]

Meat and Poultry Inspection; Criminal Violations Proceedings; Request for Comments

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Federal meat inspection regulations by adding a new Subpart E to Part 335, responding to a change made to the Federal Meat Inspection Act (FMIA) as part of the Processed Products Improvement Act of 1986 (Title IV of the Futures Trading Act of 1986). The amendment to the FMIA addressed by the interim rule provides that before a violation of the FMIA is reported by the Secretary to the Department of Justice for prosecution, the Secretary will give reasonable notice to the suspected violator that the Secretary intends to report the violation for prosecution and will give the suspected violator an opportunity to present the violator's views to the Secretary. This new provision also authorizes the Secretary to exempt by regulation certain kinds of criminal violations from the prior notice requirement.

This interim rule: (1) Acknowledges that notice and an opportunity to present views will be afforded suspected violators of the FMIA; and (2) outlines categories of criminal violations where prior notice of intended prosecution will not be given.

DATES: Interim rule effective April 27, 1987. Comments must be received on or before June 26, 1987.

ADDRESS: Written comments to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, Room 3168, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under "Supplementary Information.")

FOR FURTHER INFORMATION CONTACT: Robert W. Gonter, Assistant Deputy Administrator, Compliance Program, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Effect on Small Entities

The Administrator of the Food Safety and Inspection Service (FSIS) has determined that immediate implementation of this rule, on an interim basis, is necessary since the notice and opportunity to present views provision is already in effect and affects criminal investigations that were in progress at the time the amendment was passed. The ability of the Department to protect the public by investigating and prosecuting suspected violators of the FMIA could be compromised in certain situations without publication of this interim rule.

The determinations required by Executive Order 12291 and the Regulatory Flexibility Act can not be practicably made at this time. The interim rule deals with criminal investigative and enforcement procedures and, as such, does not appear at this time to have the type of impact which is of concern under the Executive Order and the Regulatory Flexibility Act. In any event, the required determinations will be made prior to publication of the final rule.

Pursuant to the provisions for emergency rules in section 8 of the Executive Order and 5 U.S.C. 608, the Administrator has determined that there is an immediate need to publish this interim rule to protect ongoing criminal investigations.

Comments

Interested persons are invited to submit comments concerning this action. Written comments should be sent in duplicate to the Policy Office and should refer to the docket number located in the heading of this document. Comments submitted will be available for public inspection in the Policy Office between 9 a.m. and 4 p.m., Monday through Friday.

Background

Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Secretary has responsibility to assure consumers that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged.

In this regard, the FMIA provides that certain violations of the Act will subject persons, firms, and corporations to criminal sanctions unless, as provided by section 406(b) of the FMIA (21 U.S.C. 676(b)), the violations are minor and the Secretary determines that the public interest would be adequately served by a suitable written notice of warning.

Section 403(c)(2) of the Processed Products Improvement Act (Title IV of the Futures Trading Act of 1986 (Pub. L. 99-641)) added new section 406(c) to the FMIA. The new section requires that the Secretary give reasonable notice and an opportunity to present views to persons suspected of having violated the FMIA, prior to the Secretary's referral of charges to the Department of Justice for criminal prosecution. The new section also authorizes the Secretary to make exceptions by regulation to the prior notice requirement.

Because section 406(c) of the FMIA is already in effect, prompt issuance of regulations to implement it are essential in order to protect certain ongoing and future criminal investigations and cases. This is particularly important with regard to identifying the specific exceptions to the requirement of notice and opportunity to present views. Therefore, the Administrator of FSIS is amending Part 335 of the Code of Federal Regulations by adding a new Subpart E entitled "Criminal Violations."

Description of Interim Rule on Notice of Proceedings and Opportunity for Presentation of Views

The interim rule provides that persons, firms, and corporations suspected of violating the FMIA will be provided reasonable notice that USDA intends to report such violations to the Department of Justice for prosecution in a criminal proceeding, and that they have an opportunity to present to USDA views with respect to such proceeding. The notice will summarize the suspected violations and will inform the suspected violator that the violator has a specified number of days from receipt of the letter in which to respond, orally or in writing, to the Director, Evaluation and Enforcement Division, Compliance Program, FSIS. The notice will be sent by registered or certified mail. All views presented in response to and in accord with the notice will be considered before reporting the violations for prosecution, and all documentation of such views will be incorporated into the Department's official record in the matter.

The interim final rule also identifies five situations in which there are compelling public interests that preclude the giving of notice and an opportunity to present views prior to the reporting of suspected violations for criminal prosecution. Briefly, the five exceptions are:

(1) When there is the possibility for destruction or alteration of evidence, or where disclosure could result in injury to persons or property.

(2) When there is the possibility of flight of a suspected violator to avoid prosecution.

(3) When there is the possibility of the compromise of special investigative techniques, such as undercover or other covert operations.

(4) When the impending referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

(5) When the impending referral for prosecution is part of an investigation involving non-Act violations, and the Act and non-Act violations are jointly referred for prosecution.

These exceptions are limited to protecting life or property and are addressed to situations where giving notice would compromise certain investigations and negatively affect the Department's investigative and enforcement program.

List of Subjects in 9 CFR Part 335

Meat inspection, Withdrawal of inspection, Administrative practice and procedure, Criminal violations, Criminal procedure.

PART 335—[AMENDED]

Part 335 is amended by adding a new Subpart E to read as follows:

Subpart E—Criminal Violations

Sec.

335.40 Opportunity for presentation of views before report of criminal violations.

Subpart E—Criminal Violations

Authority: Section 406, Pub. L. 99-641, 100 Stat. 3571; 21 U.S.C. 606 note.

§ 335.40 Opportunity for presentation of views before report of criminal violations.

(a) Except as provided in paragraphs (a)(1) through (5) of this section, before any violation of the Federal Meat Inspection Act is reported to the Department of Justice by the Secretary for criminal prosecution the Secretary must give reasonable notice to the suspected violator that the Secretary intends to report the violation for prosecution and give the suspected violator an opportunity to present the violator's views to the Secretary with respect to such proceeding.

(1) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in the alteration or destruction of evidence, or where disclosure could result in injury to persons or property.

(2) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in flight of a suspected violator to avoid prosecution.

(3) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in compromising special investigative techniques, such as undercover or other covert operations.

(4) Notice and opportunity need not be provided when the impending criminal referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

(5) Notice and opportunity need not be provided when the impending referral is part of an investigation involving non-Act violations, and the Act and non-Act violations are jointly referred for prosecution.

(b) A notice of opportunity to present views will be sent by registered or certified mail, summarize the violations that constitute the basis of the contemplated prosecution, and describe the procedures for presentation of views. Any information given by a respondent, orally or in writing, shall become part of the Department's official record concerning the matter. The Department is under no obligation to disclose evidence to the suspected violator.

Done at Washington, DC, on: April 21, 1987.

Peter C. Myers,

Acting Secretary, U.S. Department of Agriculture.

[FR Doc. 87-9456 Filed 4-24-87; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 70361-7061]

Mercury-Cadmium-Telluride (HgCdTe) Detectors; Validated License Requirements

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration maintains the Commodity Control List (CCL), which identifies those items subject to Department of Commerce export controls.

This rule amends the validated license controls on certain photosensitive components described in entry 1548A of the CCL in accordance with a finding of foreign availability under section 5(f) of the Export Administration Act of 1979, as amended.

Single-element, encapsulated mercury-cadmium-telluride (HgCdTe) uncooled (295 degrees K ambient temperature operation) photoelectro-magnetic (PEM) or photoconductive (PC) mode photo detectors with a peak sensitivity at a wavelength shorter than 11,000 nanometers no longer require a validated license for export except to destinations in Country Groups S and Z. Such detectors are now controlled under entry 6599G of the CCL.

Notice of the foreign availability determination on this equipment has been previously published (51 FR 37469, October 22, 1986). Regulations that eliminated the validated license requirements for exports and reexports of this equipment to free world destinations were published on November 5, 1986 (51 FR 40159).

EFFECTIVE DATE: This rule is effective April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Robert Lerner, Office of Foreign Availability, Department of Commerce, Washington, DC 20230, Telephone: (202) 377–5953.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule mentions a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625–0001.

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 399—[AMENDED]

1. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 99–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757), July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 (October 2, 1986); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

§ 399.1 Supplement No. 1, Group 5 [Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1548A is amended by revising the *Validated License Required* paragraph; by replacing the period at the end of Note 2, paragraph (b)(3), with a semicolon; and by adding a paragraph (c) to Note 2, as follows:

1548A Photosensitive components, including linear and focal plane arrays, and dice and wafers therefor.

Controls for ECCN 1548A

* * * * *

Validated License Required: Country Groups QSTVWYZ.

* * * * *

List of Photosensitive Components and Dice and Wafers Therefor Controlled by ECCN 1548A

* * * * *

Note 2: * * *

(c) Single-element, encapsulated mercury-cadmium-telluride (HgCdTe) uncooled (295 K ambient temperature operation) photoelectro-magnetic (PEM) or photoconductive (PC) mode photo detectors with a peak sensitivity at a wavelength shorter than 11,000 nanometers.

Dated: April 22, 1987.

Dan Hoydysh,

Acting Director, Office of Technology and Policy Analysis.

[FR Doc. 87–9426 Filed 4–24 87; 8:45 am]

BILLING CODE 3510-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1610

Availability of Records; Production or Disclosure Under 5 U.S.C. 552

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim rule with request for comments.

SUMMARY: The Equal Employment Opportunity Commission is publishing an Interim Final Rule amending its Freedom of Information Act regulation (29 CFR Part 1610) to implement certain provisions of the Freedom of Information Reform Act of 1986, Pub. L. No. 99–570. The amendment establishes FOIA fee schedules and guidelines for when FOIA fees shall be reduced or waived.

EFFECTIVE DATE: April 27, 1987. Written comments on the interim final rule must be received on or before May 27, 1987.

ADDRESS: Comments should be addressed to the Office of Executive Secretariat, Room 507, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, DC 20507. Copies of comments submitted by the public will be available for review at the Commission's Library, Room 298, 2401 E Street NW., Washington, DC 20507, between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Assistant Legal Counsel or Kathleen Oram, Staff Attorney (202) 634–6590.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986, Pub. L. No. 99–570 was signed into law on October 27, 1986. The Act provides that amendments to the fee and fee waiver provisions become effective on April 27, 1987. In conformity with the Freedom of Information Reform Act the Commission amends Part 1610 of its regulations as follows: To revise the FOIA fee waiver standard, to provide for charging for the cost of review in certain instances, to prohibit charging fees if the costs of collecting and processing a fee are likely to equal or exceed the amount of the fee, to prohibit charging for the first two hours of search time and first 100 pages of duplication for certain noncommercial requests, to prohibit charging for any search or review time or the first 100 pages of duplication for requests made by educational or noncommercial scientific institutions or representatives of the news media, and to prohibit requiring advance payment of fees unless the requester has previously failed to pay fees in a timely fashion, or the EEOC has determined the fee will exceed $250. The amendments establish three categories of requests for the purpose of assessing fees: requests for commercial use, noncommercial requests made by educational or noncommercial scientific institutions or representatives of the news media and all other requests. In addition, Part 1610 is amended in accordance with the Office of Management and Budget's Guidelines, 52 FR 10012 (March 27, 1987) to provide that interest may be charged those requesters who fail to pay fees charged.

To accomplish these changes, the Commission amends §§ 1610.1, 1610.14, 1610.15 and 1610.16.

List of Subjects in 29 CFR Part 1610

Freedom of information.

Accordingly, Part 1610 is amended as follows.

For the Commission.

Clarence Thomas,

Chairman.

PART 1610—[AMENDED]

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

Authority: Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e–12(a), 5 U.S.C. 552, as amended by Pub. L. 93–502 and Pub. L. 99–570; for sec. 1610.15, nonsearch or copy portions are issued under 31 U.S.C. 483a.

2. Section 1610.1 is amended to add a new paragraph (d) as follows:

§ 1610.1 Definitions.

* * * * *

(d) "Commercial use" refers to a use or purpose by the requester of information for the information that furthers the requester's commercial, trade or profit interests. Requests for charge files by profit-making entities, other than educational and noncommercial scientific institutions and representatives of the new media, shall be considered for commercial use unless the request demonstrates a noncommercial use.

3. Section 1610.14 is revised to read as follows:

§ 1610.14 Waiver of user charges.

(a) Except as provided in paragraph (b) of this section the Deputy Legal Counsel or designee and regional attorneys shall assess fees where applicable in accordance with § 1610.15 for search, review and duplication of records requested. They shall also have authority to furnish documents without any charge or at a reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(b) District and area directors and the librarian are hereby authorized to collect fees where applicable in accordance with § 1610.15 for duplication of records which are to be made available for public inspection and copying in the district or area office, or in the headquarters library in accordance with § 1610.4(b). District and area directors and the librarian are hereby authorized to duplicate such records without charge, or at a reduced charge in accordance with the criteria of paragraph (a) of this section.

4. Section 1610.15 is revised as follows:

§ 1610.15 Schedule of fees and method of payment for services rendered.

(a) Fees shall be assessed in accordance with the fee schedule set forth in paragraph (c) of this section as follows:

(1) When records are requested for commercial use, the Commission shall charge the full amount of its direct costs for document search, review and duplication. The Commission shall not charge for review at the administrative appeal level of an exemption already applied.

(2) When records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, or a representative of the news media, the Commission shall charge the direct costs of document duplication after the first 100 pages. The first 100 pages of duplication under paragraph (a)(2) shall be provided without charge.

(3) For all other record requests not falling under paragraph (a) (1) or (2) of this section, the Commission shall charge the direct costs for document search time after the first two hours and the direct costs for document duplication after the first 100 pages. The first two hours of search time and the first 100 pages of duplication under paragraph (a)(3) shall be provided without charge.

(b) When the Commission reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the Commission shall aggregate any such requests and charge accordingly.

(c) Except as otherwise provided, the following specific fees for direct costs shall be applicable with respect to services rendered to members of the public under this subpart:

(1) For actual search and review time by clerical personnel—at the rate of $7.00 per hour.

(2) For actual search and review time by professional personnel—at the rate of $17.00 per hour.

(3) For copies made by photocopying machine—$.15 per page (maximum of 10 copies).

(4) For attestation of such record as a true copy—$.75 per document.

(5) For certification of each record as a true copy, under the seal of the agency—$1.00.

(6) For each signed statement of negative result of search for record—$1.00.

(7) All other direct costs of search, review, duplication or delivery (other than normal mail), including computer search time, runs and operator salary shall be charged to the requester as appropriate in the same amount as incurred by the agency.

(d) The Commission shall not charge a fee if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee.

(e) The Commission shall charge interest at the rate prescribed in 31 U.S.C. 3717, accruing from the date of billing, to those requesters who fail to pay fees charged beginning on the 31st

day following the day on which the billing was sent.

(f) While the fees charged for search and copying will in no event exceed those specified in paragraph (c) of this section, the Commission reserves the right to limit the number of copies that will be provided of any document or to requrie that special arrangements for copying be made in the case of records or requests presenting unusual problems of reproduction or handling.

§ 1610.16 [Amended]

5. Section 1610.16(a) is amended by replacing the phrase "$50.00" with the phrase "$25.00" each time it occurs.

6. Section 1610.16(c) is revised to read as follows:

§ 1610.16 Payment of fees.

* * * * *

(c) The Commission shall require payment in full prior to the commencement or continuation of work on a request if:

(1) It estimates or determines that the allowable charges will exceed $250, unless the requester has a history of prompt payment of FOIA fees, in which case the Commission may obtain satisfactory assurance of prompt payment; or

(2) The requester has previously failed to pay fees within 30 days of the date of billing.

[FR Doc. 87-8998 Filed 4-24-87; 8:45 am]

BILLING CODE 6570-06-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure; Correction

AGENCY: Occupational Safety and Health Review Commission (OSHRC).

ACTION: Final rule; correction.

SUMMARY: OSHRC is correcting errors in its revised Rules of Procedure, which appeared in the Federal Register on September 8, 1986 (51 FR 32002).

EFFECTIVE DATE: April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, (202) 634-4015.

SUPPLEMENTARY INFORMATION: OSHRC has completely revised Subparts A through G of Part 2200—*Rules of Procedure*. These are the rules that govern conventional proceedings before the Commission and its Administrative Law Judges. The final rules contained errors that are corrected by this notice. Only one of these corrections warrants any discussion. Paragraphs (b) and (d) of § 2200.8 are revised to make clear that filing by personal delivery is an acceptable alternative to filing by first class mail and that the date of personal delivery is the filing date.

The following corrections are made in the rules of procedure published in the Federal Register on September 8, 1987 (51 FR 32002):

PART 2200—[AMENDED]

1. Section 2200.108, as listed in the Table of Contents on page 32016, column 1, is revised to read as follows:

2200.108 Official Seal of the Occupational Safety and health Review Commission.

§ 2200.5 [Corrected]

2. On page 32016, column, 3, line 5 of § 2200.5, change "writing, but in" to "writing but, in".

§ 2200.6 [Corrected]

3. On page 32016, column 3, line 4 of § 2200.6, remove the comma between "representative" and "or".

4. On page 32017, column 1, line 2, in § 2200.6, insert a comma between "Judge" and "or".

§ 2200.7 [Corrected]

5. On page 32017, § 2200.7(g), in column 2, lines 12 and 13, change "This notice should" to "Any notice of intent to participate should".

6. On page 32017, in § 2200.7(g), in column 2, the address stated at lines 13 through 15, is revised to read as follows: Occupational Safety and Health Review Commission, Office of the Executive Secretary, 1825 K Street, NW., Washington, DC 20006-1246.

§ 2200.8 [Amended]

7. Paragraph (b) of § 2200.8, the fifth full paragraph in the third column on page 32017, which reads, "(b) *How to file.* Unless otherwise ordered, all filing may be accomplished by first class mail." is revised to read as follows:

(b) *How to file.* Unless otherwise ordered, all filing may be accomplished by postage-prepaid first class mail or by personal delivery."

8. Paragraph (d) of § 2200.8, the seventh full paragraph in the third column on page 32017, which reads, "(d) *Filing date.* Filing is deemed effected at the time of mailing, except petitions for discretionary review are deemed to be filed at the time of receipt. See § 2200.91." is revised to read as follows:

(d) *Filing date.* Filing is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery), except that petitions for discretionary review are deemed to be filed at the time of receipt. See § 2200.91.

§ 2200.9 [Corrected]

9. On page 32017, column 3, line 6 of § 2200.9, change "fact, or both, or" to "factor " by removing "or both" and the commas surrounding "or both".

10. On page 32017, column 3, line 7 of § 2200.9, change "justice and" to "justice or".

§ 2200.11 [Corrected]

11. On page 32018, column 1, line 2 of § 2200.11(b), delete the comma at the end of the line, following "privileged".

12. On page 32018, column 1, line 14 of § 2200.11(b) change "order, or motions that" to "order or by a motion that".

§ 2200.12 [Corrected]

13. On page 32018, column 3, lines 10 and 11 of § 2200.12(a)(2), eliminate the space between "(AL])" and "(digest)" so that it reads as follows: "(AL]) (digest)".

§ 2200.22 [Corrected]

14. On page 32019, column 2, in § 2200.22(b), revise the last sentence reading "See § 2200.20(c)." to "See paragraph (c) of this section."

§ 2200.32 [Corrected]

15. On page 32020, column, 1, line 33 of § 2200.32, insert a comma between "belief" and "formed".

§ 2200.33 [Corrected]

16. On page 32020, column 2, line 4, in § 2200.33, change "employer" to "contesting party".

§ 2200.34 [Corrected]

17. Paragraph (c) of § 2200.34, the third full paragraph in the second column on page 32020, which reads, "(c) *Order to file amended complaint.* In response to a motion for more definite statement, the Secretary may be ordered to file an amended complaint. The order will require the Secretary to supply such additional information or further particularization of the complaint's allegations as the Commission or the Judge deems necessary." is revised to read as follows:

"(c) *Order to file amended complaint.* In response to a motion for more definite statement, the Secretary may be ordered to file an amended complaint supplying such additional information or further particularization of the complaint's allegations as will enable the employer to frame a responsive answer to the allegations of the complaint."

§ 2200.35 [Corrected]

18. On page 32020, column 3, line 3 of § 2200.35(b)(2), change "applies" to "applied".

19. On page 32020, column 3, line 2 of § 2200.35(b)(6), change "violation is

serious, or" to "violation was serious or".

20. On page 32021, column 1, line 24, in § 2200.35(d) the last sentence, change "the feasible" to "a feasible".

21. On page 32021, column 1, line 8 of § 2200.35(e), remove the comma between "proposed" and "and".

§ 2200.37 [Corrected]

22. On page 32021, column, 3, lines 1 and 2 of § 2200.37(d)(1), change "The petition, citation and objections shall be forwarded to the Commission" to "The Secretary shall forward the petition, citation and any objections to the Commission."

23. On page 32022, column 1, lines 7 and 8 of § 2200.37(d)(4), change "opposing the granting of a modification date different from that requested" to "opposing the abatement date requested".

§ 2200.40 [Corrected]

24. On page 32022, column 2, line 7 of § 2200.40(c), change "response. A party" to "response; a party".

§ 2200.41 [Corrected]

25. On page 32022, column 2, add the following reference at the end of § 2200.41(b): "See § 2200.90(b)(3)."

§ 2200.51 [Corrected]

26. On page 32022, column 3, line 18, in § 2200.51, change "called and the" to "called, the".

§ 2200.52 [Corrected]

27. On page 32022, column 3, line 3 of § 2200.52(b), change "matter not" to "matter that is not".

28. On page 32022, column 3, line 6 of § 2200.52(b), change "for the objection" to "for objection".

29. On page 32023, column 1, line 1, in § 2200.52(b), change "that information" to "the information".

30. On page 32023, column 1, line 12 of § 2200.52(e), insert a comma between "Judge" and "after".

§ 2200.56 [Corrected]

31. On page 32024, column 2, line 2 of § 2200.56(d), remove the comma between "reporter" and "and".

§ 2200.57 [Corrected]

32. On page 32024, column 2, lines 11 and 12 of § 2200.57(b), change "Commission, as the case may be, shall" to "Commission shall".

§ 2200.60 [Corrected]

33. On page 32024, column 3, line 10 of § 2200.60, change "days notice" to "days' notice".

§ 2200.62 [Corrected]

34. On page 32024, column 3, line 2 of § 2200.62(a), change "at" to "on".

§ 2200.64 [Corrected]

35. On page 32025, column 1, add the following reference at the end of § 2200.64(b): "See § 2200.90(b)(3)."

§ 2200.70 [Corrected]

36. On page 32026, column 1, line 8 of § 2200.70(e), change "upon" to "after".

§ 2200.90 [Corrected]

37. On page 32027, column 1, line 6 of § 2200.90(c), remove the comma between "report" and "all".

§ 2200.91 [Corrected]

38. On page 32027, column 2, line 12 of § 2200.91(d), change "policy" to "precedent".

§ 2200.95 [Corrected]

39. On page 32028, column 2, line 3 of § 2200.95(b), change "agrument" to "argument".

§ 2200.101 [Corrected]

40. On page 32029, column 2, line 3, in § 2200.101(c)(2), insert a comma between "and" and "without".

41. On page 32029, column 2, line 7, in § 2200.101(c)(2), insert a comma between "authority" and "be".

42. On page 32029, column 2, lines 12 and 13, in § 2200.101(c)(2), change "discussions, and the failure" to "discussions. The failure".

43. On page 32029, column 2, line 7 of § 2200.101(d)(1), insert a comma between "request" and "and".

§ 2200.102 [Corrected]

44. On page 32029, column 3, line 3 of § 2200.102, change "and petition" to "or petition".

45. On page 32029, column 3, line 11 of § 2200.102, change "in manner" to "in the manner".

46. The heading of § 2200.108 on page 32030, column 3, is revised to read as follows:

§ 2200.108 Official Seal of the Occupational Safety and Health Review Commission.

Dated: April 20, 1987.

E. Ross Buckley,

Chairman.

John R. Wall,

Commissioner.

[FR Doc. 87-9277 Filed 4-24-87; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 87-028]

List of Temporary Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of Temporary Rules Issued.

SUMMARY: This document gives notice of temporary safety zones, security zones, and special local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety Zones are established around areas where there has been a marine casualty or when a vessel carrying a particular hazardous cargo is transiting a restricted or congested area. Security zones are temporarily established in response to a risk to national security present in a particular area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones, and special local regulations that were established between January 1, 1987 and March 31, 1987 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the last published list.

ADDRESS: The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 267-1477.

SUPPLEMENTARY INFORMATION: The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since Marine events and emergencies usually take place without advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the

zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, Federal Register notice is not required to place the special local regulations, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary special local regulations, security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the Federal Register just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period January 1, 1987 through March 31, 1987 unless otherwise indicated:

Docket No.	Location	Type	Date
3-87-03	Ocean County, NJ	Safety Zone	Feb. 12, 87.
3-87-07	do	do	Mar. 9, 87.
3-87-10	Upper New York Bay	Security Zone	Mar. 19, 87.
3-87-11	do	do	Mar. 27, 87.
COTP Hampton Roads, VA, Reg. 87-01	Elizabeth River	Safety Zone	Jan. 8, 87.
COTP Hampton Roads, VA, Reg. 87-02	do	do	Jan. 10, 87.
COTP Hampton Roads, VA, Reg. 87-03	do	do	Jan. 26, 87.
COTP Hampton Roads, VA, Reg. 87-04	do	do	Mar. 15, 87.
COTP Hampton Roads, VA, Reg. 87-05	do	do	Mar. 17, 87.
COTP Hampton Roads, VA, Reg. 87-06	Chesapeake Bay, Hampton Roads.	do	Mar. 18, 87.
COTP Hampton Roads, VA, Reg. 87-07	Elizabeth River	do	Mar. 19, 87.
COTP Hampton Roads, VA, Reg. 87-08	do	do	Mar. 19, 87.
COTP Hampton Roads, VA, Reg. 87-09	do	do	Mar. 20, 87.
COTP Hampton Roads, VA, Reg. 87-10	James River, Newport News, VA.	do	Mar. 31, 87.
COTP Wilmington, NC, Reg. 87-01	Morehead City Harbor, NC	do	Jan. 16, 87.
COTP Mobile, AL, Reg. 87-01	Panama City Beach, FL	do	Mar. 10, 87.
COTP Mobile, AL, Reg. 87-03	Tombigbee River, Mile 164.6	do	Feb. 3, 87.
COTP Mobile, AL, Reg. 87-04	Mobile River, Alabama State Docks.	do	Feb. 21, 87.
COTP Houston, TX, Reg. 87-01	Greens Bayou	do	Feb. 5, 87.
COTP Corpus Christi, TX, Reg. 86-01	Corpus Christi Bay, TX	do	Oct. 14, 86.
COTP Corpus Christi, TX, Reg. 86-02	Corpus Christi Ship Channel	do	Oct. 5, 86.
COTP Corpus Christi, TX, Reg. 86-03	do	do	Oct. 31, 86.
COTP Corpus Christi, TX, Reg. 86-04	Brownsville Ship Channel, TX	do	Nov. 20, 86.
COTP Corpus Christi, TX, Reg. 86-05	do	do	Dec. 20, 86.
COTP Corpus Christi, TX, Reg. 87-01	do	do	Jan. 10, 87.
COTP Corpus Christi, TX, Reg. 87-02	Corpus Christi Bay, TX	do	Feb. 4, 87.
COTP San Diego, CA, Reg. 86-16	San Diego and Coronado Roads	Security Zone	Jan. 5, 87.
COTP San Diego, CA, Reg. 87-1	San Diego Bay	Safety Zone	Jan. 7, 87.
COTP San Diego, CA, Reg. 87-2	do	do	Jan. 12, 87.
COTP San Diego, CA, Reg. 87-3	do	do	Jan. 15, 87.
COTP San Diego, CA, Reg. 87-06	do	do	Mar. 3, 87.
COTP San Diego, CA, Reg. 87-07	do	do	Mar. 25, 87.
COTP LA/LB, CA, Reg. 86-36	Ports of Los Angeles/Long Beach.	do	Jan. 5, 87.
COTP LA/LB, CA, Reg. 87-01	do	do	Feb. 2, 87.
COTP LA/LB, CA, Reg. 87-02	do	do	Feb. 4, 87.
11-87-01	Colorado River	Special Local Regulation.	Mar. 14, 87.
COTP Honolulu, HI, Reg. 87-01	Outer Apra Harbor, Guam, M.I.	Safety Zone	Jan 27, 87.

Dated: April 22, 1987.

B.P. Novak,

Acting Executive Secretary, Marine Safety Council

[FR Doc. 87-9445 Filed 4-24-87; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 50103-7058]

Arbitration of Patent Interference Cases

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending its rules to implement the arbitration provisions of section 105 of the Patent Law Amendments Act of 1984, Pub. L. 98-622.

EFFECTIVE DATE: May 27, 1987.

FOR FURTHER INFORMATION CONTACT: Ian A. Calvert or Michael Sofocleous by telephone at (703) 557-4000 or by mail marked to the attention of either and addressed to Box Interference, Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: Section 105 of the Patent Law Amendments Act of 1984, enacted on November 8, 1984, provides for the arbitration of patent interference cases. Section 105, codified as 35 U.S.C. 135(d), provides:

> Parties to a patent interference, within such time as may be specified by the Commissioner by regulation, may determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9 to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Commissioner, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Commissioner from determining patentability of the invention involved in the interference.

The Patent and Trademark Office (PTO) conducts interference proceedings to determine any question of patentability and priority of invention between two or more parties claiming the same patentable invention. An interference may be declared between two or more pending applications naming different inventors when, in the opinion of an examiner, the applications contain claims for the same patentable invention. An interference may be declared between one or more pending applications and one or more unexpired patents naming different inventors when, in the opinion of an examiner, any application and any unexpired patent contain claims for the same patentable invention. Patent interference cases can be quite expensive. Arbitration may prove useful to minimize expenses in interference cases. The arbitration rule applies to all pending interferences.

The PTO published an advance notice of rulemaking in the Federal Register of January 16, 1985 (50 FR 2294-2296). The notice was also published in the *Official Gazette* on February 12, 1985 (1051 O.G. 9-10). The notice also appeared in the Bureau of National Affairs' Patent, Trademark and Copyright Journal, Vol. 29, p. 310 (January 24, 1985), hereinafter "BNA." Five written comments were received in response to the advance notice.

A notice of proposed rulemaking was published in the Federal Register on September 15, 1986 (51 FR 32756-32762), in the *Official Gazette* on October 21, 1986 (1071 O.G. 25-31), and in BNA's Patent, Trademark and Copyright Journal, Vol. 32, pp. 552-558 (September 18, 1986). In response to the notice, three comments, two in writing and one by telephone, were received. These comments are discussed herein.

All written comments are available for public inspection in Room 10C01, Crystal Gateway 2, 1225 Jefferson Davis Highway, Arlington, VA.

Discussion of the Rule

Under § 1.690 the arbitrator can determine issues of patentability as between the parties but a determination by him or her that the subject matter is patentable would not be binding upon the PTO. If the arbitrator's award holds that a party's claims corresponding to the count are unpatentable over prior art or under 35 U.S.C. 112, that determination would be binding on that party vis-a-vis the party's opponent and would result in a judgment adverse to that party. The judgment, however, would not discharge the duty that each party has under 37 CFR 1.56 to bring to the attention of the examiner in charge of its respective application any prior art and/or reason relied upon by the arbitrator in the determination of unpatentability.

It is the longstanding practice of the PTO to favor the settlement of interferences and the PTO looks with favor on all proper efforts in that direction as being conducive to the termination of the proceeding. See 4 Revise and Caesar, *Interference Law and Practice*, section 861, p. 2956 (Michie Co. 1948) and the Commissioner's Notice of November 9, 1976, titled, "Extensions of Time and Filing of Papers in Interferences," 953 *Official Gazette* 2 (December 7, 1976). In this regard, the notice states that:

> * * * stipulations or motions for extensions of time under 37 CFR 1.245 will not henceforth be approved or granted, respectively, unless accompanied by a detailed showing of facts sufficient to establish that the action for which the extension is sought could not have been or cannot be taken or completed during the time previously set therefor, and that the entire extension appears necessary for the taking or completion of that action. Since the Office favors the amicable settlement of interferences, the foregoing requirement will be liberally applied in the case of a first request for extension of time for the purpose of negotiating settlement.

Consequently, the examiner-in-chief may give favorable consideration to a motion for an extension of time for purposes of settlement; however, a further motion for an extension for that purpose would not be granted unless it is accompanied by a schedule of specific dates showing that the parties will make a good faith effort to promptly terminate the proceeding. If preliminary motions under 37 CFR 1.633 have not been filed, the examiner-in-chief would not normally extend the time for their filing merely for purposes of settlement. In these circumstances, the examiner-in-chief would require that the preliminary motions be filed or that their filing be waived.

If the proceeding is in the testimony stage, the examiner-in-chief could grant the parties' motion to extend all the unexpired testimony times to close concurrently on the date the record is due provided they file a stipulation that any evidence to be submitted will be in one of the forms specified in 37 CFR 1.672 (e) and (f), i.e., affidavit testimony or a stipulation either as to what a particular witness would testify to if called or the facts in the case of any party.

Analogously, the aforesaid practice would apply to arbitration. Section 1.690 requires that parties who intend to arbitrate an interference notify the examiner-in-chief in writing of their intention to arbitrate and file a copy of the arbitration agreement within 20 days of its execution. Pursuant to 35 U.S.C. 135(c) an agreement to arbitrate is considered to be one "made in connection with and in contemplation of the termination of the interference". The agreement must be in writing a copy filed in the PTO within 20 days after its execution. The notification of intention to arbitrate must be made in a separate paper. Merely incorporating the notification in the agreement is not sufficient to comply with § 1.690(a). The parties also will be required to adhere to a time schedule approved by the examiner-in-chief such that the interference proceeding can be expeditiously resolved so as to prevent the unnecessary postponement of the beginning of the running of the term of any patent resulting from an application involved in the interference. *Pritchard* v. *Loughlin*, 361 F.2d 483, 149 USPQ 841 (CCPA 1966).

If the parties desire to arbitrate an interference prior to the close of the motion period, the examiner-in-chief will not normally grant an extension of time for the purpose. The parties will be required to file their preliminary motions under 37 CFR 1.633. After the motions are filed, the examiner-in-chief could grant an extension only upon compliance with 37 CFR 1.645 which requires a showing of "good cause." Such a "good cause" showing would normally include a schedule, agreed to by the parties, setting forth, *inter alia*, the dates for (1) executing the arbitration agreement, (2) determining priority and (3) terminating the interference.

Section 1.690(a) requires that an arbitration agreement include the following:

(1) The name of the arbitrator or a date certain (not more than 30 days after the execution of the agreement) for his or her selection.

(2) The issues to be decided by the arbitrator.

(3) A provision that the arbitrator's award is binding on the parties and that the Board can enter a judgment based thereon.

Section 1.690(c) requires that a copy of the arbitration award be filed within 20 days from the date of the award or by a date set by the examiner-in-chief.

If the proceeding is in the testimony stage and the parties desire to arbitrate, the examiner-in-chief could grant a reasonable extention for that purpose. A motion for a further extension for that purpose would not be granted unless it were accompanied by a schedule, agreed to by the parties, setting forth, *inter alia*, the dates for (1) executing the arbitration agreement, (2) determining priority, and (3) terminating the interference. If the parties are to submit the required schedule, a motion for a further extension could be granted. If the parties file a copy of the arbitration agreement and they agree that any evidence submitted in the proceeding will be in one of the forms specified by 37 CFR 1.672 (e) or (f), the examiner-in-chief could give favorable consideration to the parties' motion that all the unexpired times be extended to close concurrently on the date the record is due. By that date, the parties would be required to file the arbitrator's award and their records, if necessary for the resolution of any issue not decided by the arbitrator. If the award is not dispositive of all the issues in the interference, the examiner-in-chief would set brief times so that parties could explain their evidence relating to any issues which the arbitrator did not, or was unable to decide. For example, the award might be dispositive of the issue of priority between the parties and leave for the Board's determination the question of substituting a new count raised in a preliminary motion under 37 CFR 1.633.

The arbitration award, filed by the parties, would be in the nature of a final decision and should include the following:

(1) The style (e.g., *Jones* v. *Smith*), the number of the interference and the names of the real parties in interest.

(2) The subject matter in issue, i.e., the counts and a table of counts, if necessary, indicating the relationship of the parties' claims corresponding to each count and those claims not corresponding thereto.

(3) The issues for decision before the arbitrator.

(4) The arbitrator's decision. The decision may also include a statement of the grounds and reasoning in support thereof.

(5) A summary, if appropriate, indicating, inter alia, that judgment should be awarded to one of the parties.

Any party to the arbitration can attack the award only in the manner provided by 9 U.S.C. 10 and 11.

9 U.S.C. 10 reads as follows:

In either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

(a) Where the award was procured by corruption, fraud, or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly execute them that a mutual, final, and definite award upon the subject matter submitted was not made.

(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

9 U.S.C. 11 reads as follows:

In either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matter submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

See, for example, *Fairchild and Co., Inc.* v. *Richmond, F. and P. R. Co.*, 516 F.Supp. 1305 (D.D.C. 1981). If such an attack were to be made by one of the parties while the interference is pending before the Board, the Board would not stay the interference. Rather, the Board would issue its judgment in accordance with the award. So long as the award is in compliance with § 1.690, it would carry the presumption that the arbitrator acted correctly in making his decision and accordingly, the party designated by the award as the prevailing party would be entitled *prima facie* to a judgment in its favor. If the dissatisfied party brings an action in an appropriate United States district court and if the court vacates, modifies or corrects the award, the Board would take action consistent with the court's findings. No action would lie in the PTO to vacate or correct an arbitration award, unless all parties agreed in writing.

The following examples illustrate the practice of the PTO concerning arbitration.

Example 1

Arbitration Practice—Preliminary Stage

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The parties decide to arbitrate the interference in accordance with § 1.690 and file a motion for an extension of time so that they can "freely" arbitrate the interference, but do not file a waiver of their right to file motions.

The examiner-in-chief would deny the motion because the parties' intention to arbitrate, in and of itself, does not constitute a showing of "good cause" within the meaning of 37 CFR 1.645(a). Even if the parties file an agreement to arbitrate, the PTO would not grant any extension of time to permit the parties to "freely" arbitrate an interference prior to the expiration of the time for filing preliminary motions.

Example 2

Arbitration Practice—Testimony Stage

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633. The parties file preliminary motions; the examiner-in-chief renders a decision thereon and sets the testimony times. The parties file a notice of intent to arbitrate the interference under § 1.690(a) and a motion for a one month extension of the testimony times. The examiner-in-chief could grant the motion, but would indicate that if the parties file another motion for an extension for that purpose, the motion must be accompanied by a schedule, agreed to by the parties, setting forth the dates for (1) executing the arbitration agreement, (2) determining priority and (3) terminating the interference.

The parties file a motion for an additional one month extension of time to permit the parties to arbitrate the interference. Accompanying the motion is a proposed schedule of times and a copy of the arbitration agreement which provides, inter alia, (i) the name of the arbitrator or a date certain for his selection, (ii) that the arbitrator's award will be binding on the parties, (iii) the issues to be decided by the arbitrator and (iv) that the award will be filed by the date the record is due. The parties also indicate that the evidence to be filed in the proceeding will be in one of the forms specified by 37 CFR 1.672 (e) or (f). The examiner-in-chief could grant the motion and indicate that he will give favorable consideration to a motion to extend all the unexpired times to close concurrently on the date the record is due should the parties request such.

On the date for filing the record, the parties file the arbitrator's award and their evidentiary records, if necessary. The award states (i) the style and number of the interference and the real parties in interest, (ii) the subject matter in issue and the parties' claims which correspond thereto and which do not correspond thereto, (iii) the issues for decision before the arbitrator, (iv) the arbitrator's decision (which may include a statement of the grounds and reasoning in support thereof) and (v) that judgment should be awarded to one of the parties. The examiner-in-chief examines the award to ensure that it complies with § 1.690 and is dispositive of the issues in the interference which can be decided by the arbitrator. If the award is otherwise acceptable, the Board would issue a judgment based on the award. If the award is not dispositive of all the issues in the interference, the examiner-in-chief would determine how the interference will proceed.

Example 3

Arbitration Practice—Award Decides Interference-in-Fact Issue and Junior Party Takes No Testimony

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary

statements. The junior party files a motion for judgment under 37 CFR 1.633(b) on the ground that there is no interference-in-fact between his claims corresponding to the count and his opponent's claims corresponding thereto. The examiner-in-chief denies the motion, examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intent to arbitrate and file an arbitration agreement which is approved by the examiner-in-chief. On the date for filing the record, the junior party files the award together with a motion requesting that the interference be terminated in view of the award. He does not file a record. In his award the arbitrator holds that no interference-in-fact exists between the parties' claims corresponding to the count.

The motion would be denied because the award decides a matter of patentability which would not result in a judgment adverse to one of the parties. Consequently, the junior party would be placed under an order to show cause why judgment under 37 CFR 1.652 should not be entered against him for his failure to file an evidentiary record by the time set therefore. In response to the order, the junior party requests final hearing to review the examiner-in-chief's denial of the motion for judgment and a testimony period to show no interference-in-fact. The examiner-in-chief would grant the junior party's request to the extent that final hearing is set and would deny the request for testimony because the junior party already had the opportunity to take testimony on the matter.

Example 4

Arbitration Practice—Cannot Decide Patentability

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The junior party files a motion for judgment under 37 CFR 1.633(a) on the ground that the claims corresponding to the count are unpatentable over prior art. In his decision on motions, the examiner-in-chief grants the motion and places both parties under an order pursuant to 37 CFR 1.640(d)(1) to show cause why judgment should not be entered against them as to the count. In response to the order, the senior party files a paper in accordance with 37 CFR 1.640(e) purportedly showing good cause why judgment should not be entered in accordance with the order and a motion requesting permission to aribitrate the patentability issue. The examiner-in-chief would deny the motion. The arbitrator is without authority to establish vis-a-vis the public that the subject matter of the court is patentable. Thus, the arbitration will serve no useful purpose. The Board would consider the senior party's paper and enter an appropriate order.

Example 5

Arbitration Practice—Award After Decision on Motions

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The junior party files a motion for judgment under 37 CFR 1.633(a) on the ground that the claims corresponding to counts 1 and 2 are unpatentable over prior art. In his decision on motions, the examiner-in-chief grants the motion with respect to count 1, denies the motion with respect to count 2 and places both parties under an order pursuant to 37 CFR 1.640(d)(1) to show cause why judgment should not be entered against them as to count 1. The senior party files a paper in accordance with 37 CFR 1.640(e); the junior party, a response thereto. The Board considers the paper and the response thereto and based on the record enters judgment adverse to both parties as to count 1. Thereafter, the examiner-in-chief examines the preliminary statements and sets dates for taking testimony and filing the record.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intent to arbitrate and file an arbitration agreement which is approved by the examiner-in-chief. In his award, the arbitrator decides that judgment should be awarded to the junior party. On the date for filing the record, both parties file the award together with a motion requesting that the interference be terminated in view of the award. No record is filed.

The motion would be granted and accordingly it would be held that the senior party is not entitled to a patent containing his claims corresponding to count 2.

Example 6

Arbitration Practice—Award Decides Patentability

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No motions for judgment under 37 CFR 1.633 are filed and after the examination of the preliminary statements, the examiner-in-chief sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intent to arbitrate and file an arbitration agreement which is approved by the examiner-in-chief. In his award, the arbitrator finds (1) that the evidence is insufficient to establish a prior public use bar under 35 U.S.C. 102(b) against the junior party, (2) that the claims of the junior party corresponding to the count are patentable under 35 U.S.C. 103 over the prior art cited by the senior party to the junior party, and (3) that judgment on priority should be awarded to junior party. On the date for filing together with a motion requesting that the interference be terminated in view of the award.

The motion would ge granted and accordingly it would be held that the senior party is not entitled to a patent containing his claims corresponding to the count. After the termination of the proceeding, each party has the duty under 37 CFR 1.56 to bring before the primary examiner the evidence concerning the purported public use bar and the prior art cited by the senior party and/or considered by the arbitrator.

Example 7

Arbitration Practice—Award Grants Priority to Junior Party Contingent Upon Granting of Preliminary Motion Under 1.633(C)

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The junior party files a motion under 37 CFR 1.633(c)(1) to substitute another count. The examiner-in-chief denies the motion, examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intention to arbitrate and enter into an arbitration agreement which is approved by the examiner-in-chief. The agreement provides that any evidence to be submitted by the parties will be in the form of a stipulation under 37 CFR 1.672 (e) and (f). The parties file a motion requesting that all the

unexpired testimony times be extended to close concurrently on the date the record is due. The motion would be granted.

On the date for filing the record, the junior party files his record and the award. The award states, inter alia, that if the Board at final hearing should grant the junior party's motion under 37 CFR 1.633(c)(1) to substitute a new count, judgment should be awarded to the junior party based on the evidence. Otherwise, the award states that judgment should be awarded to the senior party.

The examiner-in-chief sets the brief times and after the filing thereof the interference would be set for final hearing so that the Board can review the examiner-in-chief's denial of the junior party's motion under 37 CFR 1.633(c) and issue an appropriate judgment based on the award.

Example 8

Arbitration Practice—Award Attacked

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No preliminary motions are filed. The examiner-in-chief examines the opreliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intention to arbitrate and file an arbitration agreement which is approved by the the examiner-in-chief.

On the date for filing the record, both parties file their records. The junior party files the award which states that judgment should be awarded to him and a motion for judgment based on that award. The senior party files an opposition to the motion for judgment on the grounds (i) that the award contains errors of law, (ii) that the award was procured by "corruption, fraud or undue means" in violation of 9 U.S.C. 10(a), and (iii) that the arbitrator exhibited "evident partiality" in violation of 9 U.S.C. 10(b) and was "guilty of misconduct * * * in refusing to hear evidence pertinent and material" to the interference, citing 9 U.S.C. 10(c).

The Board would grant the judgment based on the award, holding that the senior party is not entitled to a patent containing his claims corresponding to the count. So long as the award is in compliance with the provisions of § 1.690, it would carry a presumption that the arbitrator acted properly in all respects. Consequently, before the PTO the award is binding upon the parties and the junior party is *prima facie* entitled to a judgment in its favor. Thus, no action lies in the PTO as regards the matter raised by the senior party. The senior party's action lies in an appropriate United States district court and the PTO would take any action consistent with the court's decision.

Example 9

Arbitration Practice—Award Cannot Modify Board's Final Decision

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No motions are filed. The examiner-in-chief examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference and enter into an arbitration agreement. Neither party notifies the examiner-in-chief of their intent to arbitrate nor do they file a copy of the agreement in the interference. Both parties timely file their records and briefs. Both waive oral agrument. The Board enters a final decision after consideration of the evidence in favor of the senior party.

The junior party requests reconsideration of the Board's final decision, submits a copy of the arbitration award and moves that the Board set aside its final decision and enter judgment in his favor based on the award. In support of its request, the junior party cites 9 U.S.C. 9, which provides that "any party to the arbitration may apply to the court so specified for an order confirming the award" and 35 U.S.C. 135(d) which provides that title 9 applies to interference arbitrations.

The Board would deny the motion to set aside. The parties did not comply with § 1.690(a), i.e., notify the examiner-in-chief in writing of their intention to arbitrate and file a copy of the arbitration agreement within twenty (20) days of its execution. The denial of the motion is an appropriate sanction under 37 CFR 1.616. Such action by the Board is considered consistent with long-standing interference practice. Cf. *Humphrey* v. *Fickert*, 1904 Dec. Comm'r. Pat. 447 (Comm'r. 1904) wherein the Board, after it had considered the evidence, refused to set aside its award of priority to Fickert and act upon the Fickert's concession of priority in favor of Humphrey, the losing party.

Example 10

Arbitration Award Filed With Record—No Notice to Examiner-In-Chief

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No motions are filed. The examiner-in-chief examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference and enter into an arbitration agreement. Neither party notifies the examiner-in-chief of the agreement. The junior party timely files its record together with a copy of the arbitration award and a motion for judgment based on the award.

The motion would be denied. Under the provisions of 37 CFR 1.616, the examiner-in-chief would place both parties under an order to show cause why judgment should not be rendered against them for their failure to comply with 1.690(a), i.e., failing to notify him of their intent to arbitrate and file a copy of the arbitration agreement.

Discussion of Comments

One commentor suggested that the expression "An interference or any aspect thereof shall be arbitrated" in part (b) of proposed § 1.690 might be construed as going beyond the terms of the statute by authorizing an examiner-in-chief to require the parties to arbitrate an interference, and proposed that the quoted language be changed to "An arbitration proceeding under this section shall be conducted." To eliminate any possible misconstruction of the rule, this proposal has been adopted.

A second commentor suggested, by telephone, that a provision be added to proposed § 1.690 requiring that the arbitrator be familiar with United States interference practice, and that United States law be applied by the arbitrator in making the determination. He expressed the fear that a foreign arbitrator might reach a result contrary to established domestic law.

This suggestion has not been adopted. It is incumbent upon the parties to select the arbitrator, and to satisfy themselves as to his or her qualifications. Presumably if the arbitrator's decision is contrary to established law, any resulting patent would be subject to attack on that ground by a third party in subsequent litigation.

Another commentor stated that, with the arbitration rule, the PTO was

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"attempting to apply a band-aid to a system which cannot be cured by application of a band-aid," and that the first-to-file system should be adopted in place of the first-to-invent system. This suggestion is obviously far beyond the scope of the rule change under consideration. The first-to-invent system is mandated by statute and could not be replaced merely by a change in the rules. The purpose of § 1.690 is to establish a specific procedure governing the optional arbitration of interferences provided by section 105 of Pub. L. 98–622.

Other Considerations

This rule does not have a significant impact on the quality of the human environment or the conservation of natural resources.

The rule is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the rule will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act. Pub. L. 96–354) because arbitration is intended to minimize expenses in interference cases.

The Patent and Trademark Office has determined that this rule is not a major rule under Executive Order 12291. The annual effects on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., since no record keeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Authority delegations, Conflicts of interest, Courts, Inventions and patents, Lawyers.

For the reasons set out in the preamble and under the authority given to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and 135, Part 1 of Title 37 CFR is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 would continue to read as follows:

Authority: 35 U.S.C. 6 unless otherwise noted.

2. New § 1.690 is added to Subpart E to read as follows:

§ 1.690 Arbitration of interferences.

(a) Parties to a patent interference may determine the interference or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of Title 9, United States Code. The parties must notify the Board in writing of their intention to arbitrate. An agreement to arbitrate must be in writing, specify the issues to be arbitrated, the name of the arbitrator or a date not more than thirty (30) days after the execution of the agreement for the selection of the arbitrator, and provide that the arbitrator's award shall be binding on the parties and that judgment thereon can be entered by the Boa 1. A copy of the agreement must be filed within twenty (20) days after its execution. The parties shall be solely responsible for the selection of the arbitrator and the rules for conducting proceedings before the arbitrator. Issues not disposed of by arbitration will be resolved in accordance with the procedures established in 37 CFR, Subpart E of Part 1, as determined by the examiner-in-chief.

(b) An arbitration proceeding under this section shall be conducted within such time as may be authorized on a case-by-case basis by an examiner-in-chief.

(c) An arbitration award will be given no consideration unless it is binding on the parties, is in writing and states in a clear and definite manner (1) the issue or issues arbitrated and (2) the disposition of each issue. The award may also include a statement of the grounds and reasoning in support thereof. Unless otherwise ordered by an examiner-in-chief, the parties shall give notice to the Board of an arbitration award by filing within twenty (20) days from the date of the award a copy of the award signed by the arbitrator or arbitrators. When an award is timely filed, the award shall, as to the parties to the arbitration, be dispositive of the issue or issues to which it relates.

(d) An arbitration award shall not preclude the Office from determining patentability of any invention involved in the interference.

Dated: March 16, 1987.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 87–9373 Filed 4–24–87; 8:45 am]

BILLING CODE 3510–16–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 64

[Docket No. FEMA 6750]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATE: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities will

be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance-floodplains.

The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127).

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal Assistance no longer available in special flood hazard areas
Region II					
New York	Alexander, town of, Genesee County.	360277	June 24, 1975, Emerg.; Nov. 18, 1983, Reg.; May 4, 1987, Susp.	May 4, 1987	May 4, 1987.
Do	Alexander, village of, Genesee	361496	May 6, 1975, Emerg.; Jan. 20, 1984, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Do	Beekmantown, town of, Clinton County.	360166	Dec. 15, 1975, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Do	Chesterfield, town of, Essex County.	360264	Mar. 9, 1977, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Do	Palatine, town of, Montgomery County.	361413	Mar. 8, 1977, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Do	Peru, town of, Clinton County	361384	Apr. 16, 1976, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Region III					
Pennsylvania	East Chillisquaque, township of, Northumberland County.	422599	Oct. 15, 1975, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Region IV					
North Carolina	Bridgeton, town of, Craven County	370436	Oct. 19, 1973, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Do	Craven County, Unincorporated Areas.	370072	Oct. 19, 1973, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Do	Havelock, city of, Craven County	370265	June 20, 1975, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Do	New Bern, city of, Craven County	370074	Dec. 11, 1973, Emerg.; June 1, 1978, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
South Carolina	Marion, city of, Marion County	450142	Mar. 4, 1974, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Tennessee	Spring Hill, city of, Maury County	470278	Sept. 29, 1975, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Region V					
Michigan	Chocolay, township of, Marquette County.	260448	Oct. 29, 1976, Emerg.; May 4, 1987, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Minnesota	Moorhead, city of, Clay County	275244	Mar. 19, 1971, Emerg.; Feb. 18, 1972, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.
Region VI					
Texas	Bellaire, city of, Harris County	480289	Aug. 12, 1975, Emerg.; Sept. 30, 1981, Reg.; May 4, 1987, Susp.	May 4, 1987	Do.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal Assistance no longer available in special flood hazard areas
Do	Denton county. Unincorporated Areas.	480774	July 22, 1975. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region VIII					
Colorado	Estes Park, town of. Larimer County.	080193	May 22, 1975. Emerg.; Jan. 17, 1979. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region III, Minimal Conversions					
Pennsylvania	Elk, township of. Tioga County	421154B	Apr. 15, 1974. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	May 1, 1987.
Region IV					
Florida	Mayo, town of. Lafayette County	120132	May 23, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Kentucky	Glasgow, city of. Barren County	210007	June 18, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Region V					
Illinois	Clinton County. Unincorporated Areas.	170044	June 10, 1977. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Indiana	Randolph County. Unincorporated Areas.	180429	Jan. 16, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Michigan	Tekonsha, village of. Calhoun County.	260565	July 20, 1977. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Wolverine Lake, village of. Oakland County.	260480	Sept. 23, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Minnesota	Brookston, city of. St. Louis County.	270419A	July 9, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Ohio	Fort Recovery, village of. Mercer County.	390395	June 30, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	New Weisenford, village of. Columbiana County.	390663	Dec. 12, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Wisconsin	St. Croix Falls, city of. Polk County	550337	July 18, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Stratford, village of. Marathon County.	550256	Mar. 24, 1974. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Waldo, village of. Sheboygan County.	550432	June 11, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Wilson, village of. St. Croix County	550389	June 15, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Region VII, Minimal Conversions					
Iowa	Bevington, city of. Madison and Warren Counties.	190273	Nov. 30, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Eldora, city of. Hardin County	190139	Apr. 14, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Griswold, city of. Cass County	190346	Oct. 26, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Thornton, city of. Cerro Gordo	190062	Dec. 12, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Zearing, city of. Story County	190260	Sept. 26, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Kansas	Rozel, city of. Pawnee County	200260	Apr. 13, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Missouri	Crawford County. Unincorporated Areas.	290795	Oct. 23, 1984. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Nebraska	Loup City, city of. Sherman County	310215	Mar. 18, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Webster County. Unincorporated Areas.	310232	Apr. 14, 1987. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 1, 1987	Do.
Region IX, Minimal Conversions					
Arizona	Colorador River Indian Tribe	040123	July 26, 1983. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 4, 1987	May 4, 1987.

Code for reading fifth column: Emerg.—Emergency—Reg.—Regular—Susp.—Suspension.

Issued: April 22, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87-9391 Filed 4-24-87; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1138

[Ex Parte No. 389 [1]]

Procedures for Requesting Rail Variable Cost and Revenue Determinations for Joint Rates Subject to Surcharge or Cancellation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: The Commission adopts final rules revising interim rules published at Part 1138 of Title 49 of the Code of Federal Regulations.[2] These rules set forth the procedures for parties affected by joint rate cancellations under 49 U.S.C. 10705a(c) to obtain revenue and variable cost data from the Commission. These procedures are necessary for us to carry out our costing obligations pursuant to 49 U.S.C. 10705a(h).

EFFECTIVE DATE: These rules will be effective on May 27, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystem, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

This decision will not significantly affect either the quality of the human environment or energy conservation. We certify that this decision will not have a significant economic effect on a substantial number of small entities.

List of Subjects in 49 CFR Part 1138

Railroads.

Authority: 49 U.S.C. 10321, 10705a; 5 U.S.C. 553.

Decided: April 14, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley and Commissioner Simmons dissented in part with separate expressions.

Noretta R. McGee,

Secretary.

Title 49 of the CFR is amended by revising Part 1138 to read as follows:

PART 1138—PROCEDURES FOR REQUESTING COSTS AND REVENUES FROM RAIL CARRIERS CANCELLING THE APPLICATION OF A JOINT RATE PURSUANT TO 49 U.S.C. SECTION 10705A(C)

Sec.

1138.1 Scope.

1138.2 Procedures.

Authority: 49 U.S.C. 10321, 10705a; 5 U.S.C. 553

§ 1138.1 Scope.

The provisions of this part apply to: (a) Rail carriers, subject to the jurisdiction of the Commission under subchapter 1 of Chapter 105 of Title 49, that cancel, under 49 U.S.C. 10705a(c) the application of a joint rate in which they participate; and (b) other rail carriers participating in the joint rate subject to the cancellation, shippers moving traffic over a route subject to the cancellation, affected ports, and State or local agencies representing these parties, that request the Commission to provide revenue and variable cost information about the joint rate pursuant to 49 U.S.C. 10705a(h).

§ 1138.2 Procedures.

(a) The cancelling rail carrier is required to provide a shipper, port, or carrier described in § 1138.1, or State or local agencies representing them, with its division of revenue for the joint rate subject to cancellation under 49 U.S.C. 10705a(c) within three working days of receipt of a request. The tariff page for a cancellation under 49 U.S.C. 10705a(c) shall contain the name and telephone number of a person to contact for this information.

(b) If the request is not timely honored, the tariff may be suspended and investigated by the Commission, and ultimately disapproved.

(c) The Commission will furnish within five working days of a request, made pursuant to 49 U.S.C. 10705a(h) determinations of the variable cost of service and revenue of a rail carrier cancelling the application of a joint rate. The request must be sent directly to: Section of Rail Costing, Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423. A request must be route-specific and must include for each route to be cancelled:

(1) The tariff minimum weight.

(2) The tariff rate applicable at the minimum weight, tariff reference, and applicable unit (e.g., per hundred weight).

(3) The relevant territorial division and the relevant intraterritorial sudivision (where applicable) as percentages. (Carriers must supply this information to requesting parties within three working days of the request as set forth in paragraph (a) of this section.

(4) The car or types in which the traffic normally moves.

(5) The commodity description—STCC code.

(6) The class of traffic.

(7) The number of intertrain and intratrain switches (if known).

(8) The origin, destination, interchanges, carriers used, and the short line distance on the cancelling carrier's line (from the published distance tables) from or to the interchange point(s) at which the traffic is tendered.

(d) Along with any request for variable cost and revenue information, shippers and ports, or State or local agencies representing them, must certify to the Commission that they have no feasible transportation alternatives to the cancelled routes.

(e) Unless a carrier specifically waives its confidentiality interest, division of revenue information shall be considered confidential. All pleadings containing divisions data must be filed pursuant to 49 CFR 1104.14, our rule concerning protective orders to maintain confidentiality. The confidential data shall be submitted in a separate package, clearly marked on the outside "confidential materials subject to a protective order." A request for a protective order shall be filed as a separate pleading.

[FR Doc. 87–9389 Filed 4–24–87; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding embraces No. 37585, *International Paper Company—Petition—The Development of Costs and Revenues for Surcharges and Cancellations of Joint Rates.*

[2] The interim rules were originally published as Part 1031A. However, Part 1031A was redesignated as Part 1138 at 47 FR 49577, November 1, 1982.

Proposed Rules

Federal Register
Vol. 52, No. 80
Monday, April 27, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Washington Cherry Regulation 22; Amdt. 3]

Sweet Cherries Grown in Designated Counties of Washington; Amendment of Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action, recommended by the Washington Cherry Marketing Committee, proposes to increase the minimum size of sweet cherries that can be shipped by handlers from 50/64 to 52/64 inch in diameter. Such an increase would provide fresh markets and consumers with slightly larger fruit. The change is intended to enhance the image of Washington sweet cherries and help improve sales and returns to growers. The marketing of undesirable sizes undermines buyer confidence in the fruit sold in the market and does not encourage repeat purchases. Hence, requiring handlers to market more desirable sizes of sweet cherries should have a positive effect on sales and industry returns. The committee works with the Department in administering the marketing order. The proposal, if adopted, would apply during the 1987 and subsequent seasons.

DATE: Comments must be received on or before May 12, 1987.

ADDRESS: All persons interested in commenting on this proposal should submit their comments in triplicate to the Docket Clerk, F&V, AMS, U.S. Department of Agriculture, Room 2085–S, Washington, DC 20250–1400. All written comments submitted will be made available for public inspection in the above office during regular business hours. Comments should reference the date and page of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, Telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been designated as "non-major" under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action would not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (The Act, 7 U.S.C. 601–674), and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that 62 Washington sweet cherry handlers will be subject to this regulation during the current season. In addition, there are approximately 1,100 producers in the production area. The majority of these handlers and producers may be classified as small entities as defined by the Small Businesses Administration (SBA). The SBA defines agricultural service firms as those whose gross annual receipts are less than $3.5 million and small agricultural producers as those having average annual gross revenues for the last three years of less than $100,000 (13 CFR 121.2).

This proposed rule is issued under Marketing Order No. 923 regulating the handling of sweet cherries produced within the counties of Okanogan, Chelan, Douglas, Grant, Yakima, and Benton within the State of Washington. It is based upon the unanimous recommendation and information submitted by the Washington Cherry Marketing Committee (WCMC) and upon other available information.

At its meeting on February 12, 1987, the WCMC recommended an increase in the smallest size allowed to be marketed under this regulation. The increase of 1/32 inch in diameter, from 50/64 to 52/64, would more accurately reflect the true cherry size designated as 13 row size. This change would improve the image of the 13 row size pack in the marketplace and provide buyers with slightly larger size fruit overall, thus encouraging repeat purchases and increasing cherry sales, shipments, and grower returns.

Approximately 79.32 million pounds of sweet cherries were shipped during the 1986 season. Shipments of fruit 50/64 inch in diameter normally account for less than two percent of total industry shipments. Approximately one percent of 1986 shipments consisted of fruit designated as 13 row size; that is, fruit generally measuring between 50/64 and 54/64 inch in diameter. The remaining shipments of 50/64 inch fruit consisted of containers marked with a minimum diameter. A 1/32 of an inch increase in the size of marketable sweet cherries grown in designated counties of Washington would have a negligible impact on industry supplies and should improve the overall fruit size and quality of the pack. In addition, immature cherries tend to occur in the smaller sizes.

Approximately 86 percent of the total shipments of 13 row size fruit were shipped during the first four weeks of the 1986 season. Initial offerings of sweet cherries set the market tone for the remainder of the season. Purchases of large, high quality fruit at the beginning of the season encourage consumers to make subsequent purchases, thus expanding and stabilizing market demand and increasing returns to growers and handlers.

It is the Department's view that this proposal would benefit growers and handlers if implemented. The anticipated increase in demand and grower returns would significantly offset the costs of compliance with the regulations. In addition, the WCMC believes that the proposed regulatory change is needed to improve returns to growers in the production area while consistently providing fresh markets with slightly larger, good quality sweet cherries.

A comment period of 15 days is provided and is deemed appropriate because the shipping season for the 1987 crop of Washington sweet cherries is expected to begin in early June. It is

desirable to implement the proposed change, if adopted, as soon as possible so that such change would apply during the entire shipping season. In addition, a prompt decision on this proposal is necessary so that handlers will have sufficient time to adjust and plan their operations prior to the beginning of the shipping season, in response to any changes that may result from this rulemaking action.

List of Subjects in 7 CFR Part 923

Marketing agreements and orders, Cherries, Washington.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR Part 923 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 923.322 [Amended]

2. Therefore, it is proposed that § 923.322 be amended by removing the size designation 50/64 and inserting the size designation 52/64 in paragraphs (a)(2), (a)(3), (b)(2)(ii), (c)(2), and in the Table in (c)(1) under Column 2 opposite the 13 row count/row size designation in Column 1.

Dated: April 22, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–9457 Filed 4–24–87; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 309

Freedom of Information Act; Uniform Fee Schedule and Administrative Guidelines; Disclosure of Information

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FDIC is proposing to amend its regulations to implement the provisions of the Freedom of Information Reform Act of 1986. Pub. L. 99–570, and the Uniform Freedom of Information Act Fee Schedule and Guidelines adopted by the Office of Management and Budget (52 FR 10012).

DATE: Comments on this proposal must be received by May 27, 1987.

ADDRESSES: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, or hand-delivered to room 6108 at the same address. Comments are available for public inspection in room 6108, Monday-Friday, between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Deputy Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, telephone (202) 898–3812.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act ("FOI Reform Act") created a new structure for agency fees which may be charged for processing Freedom of Information Act requests. The FOI Reform Act requires agencies to issue implementing regulations, pursuant to notice and receipt of public comment, which are to conform to guidelines established by the Office of Management and Budget ("OMB"). OMB's final guidelines, which were also pursuant to notice and public comment, were published in the **Federal Register** on March 27, 1987. These proposed amendments, thus, are based on and conform to OMB's guidelines.

As proposed, FDIC's amendments would permit the FDIC to recover the full direct costs incurred by it in searching for, reviewing and duplicating documents responsive to FOIA requests. The amendments would incorporate FDIC's existing schedule of fees but would classify requesters into categories for the purpose of assessing fees to be charged. Commercial use requesters would be charged search, review and duplication costs. Educational and non-commercial scientific institutions and representatives of the news media would be charged duplication costs, with the first 100 pages being without charge. All other requesters would be charged search and duplication costs, with the first two hours of search time and first 100 pages being without charge. As is presently, where billable costs are less than $25.00, no charges would be assessed. The fee provisions of the FOI Reform Act are effective April 25, 1987, and the FDIC will comply with those requirements pending completion of this rulemaking proceeding.

The FOI Reform Act also amended the exemptive provision relating to law enforcement records, 5 U.S.C. 552(b)(7), and conforming changes are proposed to FDIC's regulations at this time as well.

As the proposed amendments do not impose any recordkeeping or information collection requirements, the Paperwork Reduction Act does not apply. Also, the requirements of the Regulatory Flexibility Act are inapplicable as the amendments do not have a substantial economic impact on a significant number of small entities.

List of Subjects in 12 CFR Part 309

Banks, banking, Credit Federal Deposit Insurance Corporation, Foreign banking, Freedom of Information, Privacy.

PART 309—[AMENDED]

The Board of Directors, therefore, proposes to amend Part 309 of its regulations as follows:

1. The authority citation for Part 309 continues to read as follows:

Authority: 12 U.S.C. 1819 "Seventh" and "Tenth"; 5 U.S.C. 552.

2. Section 309.5 is amended by revising paragraphs (a) introductory text, (b), and (c)(7) to read as follows:

§ 309.5 Information made available upon request.

(a) *Initial request.* (1) Except as provided in paragraphs (c), (g), and (h), of this section, the FDIC, upon request for any record in its possession, will make the record available to any person who agrees to pay the costs of searching, review and duplication as set forth in paragraph (b) of this section. The request must be in writing, provide information reasonably sufficient to enable the FDIC to identify the requested records and specify a dollar limit which the requester is willing to pay for the costs of searching, review and duplication, unless the costs are believed to be less than $25.00. Requests under this paragraph (a) should be addressed to the Office of the Executive Secretary, FDIC, 550–17th Street, NW., Washington, DC 20429.

* * * * *

(b) *Fees.*—(1) *Definitions.* (i) "Search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. The term includes the extraction of information from a computer using existing programming.

(ii) "Duplication" refers to the process of making a copy of a document necessary to respond to a request for disclosure of records or for inspection of original records that contain exempt material or that cannot otherwise be directly inspected.

(iii) "Review" refers to the process of examining documents responsive to a commercial use request to determine whether any portion of any document contains exempt material. It includes processing any document for disclosure, *e.g.* doing all that is necessary to excise them or otherwise prepare them for release.

(iv) "Commercial use request" refers to a request from or on behalf of a requester who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester or the person on whose behalf the request is made.

(v) "Educational institution" refers to a school, an institution of higher education, an institution of professional education or an institution of vacational education, which operates a program or programs of scholarly research.

(vi) "Non-commercial scientific" institution refers to an institution that is not operated on a commercial basis and which is operated solely for the purpose fo conducting scientific research the results of which are not intended to promote any particular product or industry.

(vii) "Representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

(2) *General rules.* (i) Persons requesting records of the FDIC shall be charged for the direct costs of search, duplication and review as set forth in § 309.5(b)(3), unless such costs are less than $25.00.

(ii) Requesters will be charged for search and review costs even if responsive documents are not located and, if located, are determined to be exempt from disclosure.

(iii) Multiple requests seeking similar or related information from the same requester will be aggregated for the purposes of this section.

(iv) If the FDIC determines that the estimated costs of search, duplication or review of requested records will exceed the dollar amount specified in the request or if no dollar amount is specified, the FDIC will advise the requester of the estimated costs (if greater than $25.00). The requester must agree in writing to pay the costs of search, duplication and review.

(v) If FDIC estimates that its search, duplication and review costs will exceed $250.00, the requester must pay in advance an amount equal to 20 percent of the estimated costs.

(vi) Any requester who has previously failed to pay the charges under this section within 30 days of receipt of the invoice therefor must pay in advance the total estimated costs of search, duplication and review.

(vii) The time limit for FDIC to respond to a request will not begin to run until the FDIC has received the requester's written agreement under (iv) or advance payment under (v) or (vi).

(viii) As part of the initial request, a requester may ask that the FDIC waive or reduce fees if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Determinations as to a waiver or reduction of fees will be made by the Executive Secretary (or designee) and the requester will be notified in writing of his/her determination.

(3) *Chargeable fees by category of requester.* (i) Commercial use requesters shall be charged search, duplication and review costs.

(ii) Educational institutions, non-commercial scientific institutions and news media representatives shall be charged duplication costs, except for the first 100 pages.

(iii) Requesters not within scope of § 309.5(b)(3)(i) or (ii) shall be charged search and duplication costs, except for the first two hours of search time and first 100 pages of duplication.

(4) *Fee schedule.* The following fees apply:

Supervisory or professional staff.	$14.50/hour.
Clerical Staff	7.50/hour.
Duplication	0.10/page.
Computer Generated Documents:	
Computer central processing unit (CPU).	0.021/CPU second.
Core (Main storage)	0.000023/1000 bytes/second.
Magnetic tape drive	0.17/1000 tape input/output operation.
Disk storage device	0.153/1000 disk input/output operation.
Computer paper printout	0.16/1000 lines.
Photocopy printed output	0.76/1000 lines.
Output on computer magnetic tape reel.	75.00.
Address labels	8.00/1000 labels.

(c) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings,

(ii) Would deprive a person of a right to a fair trail or an impartial adjudication,

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

By order of the Board of Directors.

Dated at Washington, DC, this 16th day of April, 1987.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-9435 Filed 4-24-87; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 629]

Proposed Establishment of Ben Lomond Mountain Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Santa Cruz County, California, to be known as "Ben Lomond Mountain." This proposal is the result of a petition from Mr. Michael R. Holland. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by June 11, 1987.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 629).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at:

ATF Reading Room, Office of Public Affairs and Disclosure, Room 4406, Ariel Rios Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. White, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue

NW., Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37673, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) Copies of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. Michael R. Holland proposing an area in Santa Cruz County, California, as a viticultural area to be known as "Ben Lomond Mountain." This proposed viticultural area is located entirely in Santa Cruz County, California in the central part of the State near the coast. The viticultural area consists of approximately 38,400 acres. There are nine separate vineyard operations established in the area totaling approximately 69.5 acres of grapes. In addition, two other vineyards are in the development stages with a proposed planting of 330 acres. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

Viticultural Area Name

The name "Ben Lomond Mountain" can be found on all current U.S.G.S. maps of the mountain area northwest of the city of Santa Cruz, California (Santa Cruz and Davenport Quadrangles).

Historical/Current Evidence of Boundaries

According to the petitioner, Ben Lomond Mountain was first pioneered by Scotsman John Burns who gave the area its name in the 1860's. Burns was also the first grape grower in the area and made wine with little commercial success until the 1880's, setting the example for several other families.

Commercial winegrowing began in the Ben Lomond Mountain region in 1883 with the foundation of the Ben Lomond Wine Company by F.W. Billings. The Ben Lomond Wine Company, under the management of Billings' son-in-law, J.F. Coope, brought the Ben Lomond Mountain Wines out of the obscurity of the remote mountain area to stand with other quality wines in the State.

In 1887, Coope wrote . . . "Ben Lomond (Mountain) as a wine district is yet in its infancy and is struggling to establish a name for itself in that industry. The wine yield of 1886 (for the Ben Lomond Wine Company) was 28,000 gallons, chiefly Riesling, part of which was grown (by the Ben Lomond Wine Company), while a part was purchased (from neighboring vineyards)." By 1891, approximately 400 acres of vineyards were devoted to wine production on Ben Lomond Mountain.

Frona Eunice Waite Colburn, in her treaties "Wines and Vines of California" (1889), proclaimed the Ben Lomond Mountain region as a "future Chablis district" . . . "here the Ben Lomond Company makes a wine of the (Chablis) type which is unrivaled by any other product in the State, and is the only wine in California which has the thin, delicate, flinty dryness of a true Chablis. . . . It is a superior table wine; not heady or earthy in flavor and has the fine bouquet and exquisite flavor of a high-type mountain wine. It is sold under the classical name of Ben Lomond."

The Ben Lomond Mountain wine industry declined after the turn of the century. By the end of World War II, only the 75 acre Locatelli Ranch vineyard and the 40 acre Quistorff vineyard remained. Both had been abandoned by the mid-1960's.

During the 1970's Ben Lomond Mountain experienced a viticultural renaissance in and around the town of Bonny Doon. In 1972, the University of California Agricultural Extension Service released a study of climatologically prime growing areas for several commercial crops, including wine grapes. This study, entitled California's Central Coast: Its Terrain, Climate, and Agro-Climate Implications, established Ben Lomond Mountain as being a prime growing region for wine grape production. This report stirred the interest of several individuals in the region. Since then, nine separate vineyard operations have been established within the proposed Ben Lomond Mountain Viticultural Area.

Geographical/Climatological Features

The petitioner claims the proposed viticultural area is distinguished from surrounding areas by differences in topography, soils, and climate. The petitioner bases these claims on the following:

(a) *Topography.* Ben Lomond Mountain rises directly from the California coastline to an altitude of 2,630 feet above sea level. This mountain region is bordered by the Pacific Ocean to the west, the San Lorenzo River Basin to the east, the city of Santa Cruz (and river mouth of the San Lorenzo) to the south, and Scott Creek and Jamison Creek on the northwest and northeast sides, respectively. The proposed Ben Lomond Mountain Viticultural Area is approximately 15 miles long and an average of four miles wide, defined by its borders which generally coincide with the 800-foot elevation level.

(b) *Soils.* The geophysical boundaries of the Ben Lomond Mountain region become apparent when examining the geologic stratigraphy of the area. Ben Lomond Mountain is comprised of a large geologic structure known as a pluton, composed primarily of granitic rocks (quartz diorite), with some intrusions of metamorphic rocks (quartzite and pelitic schists). This plutonic structure distinguishes Ben Lomond Mountain from surrounding areas and is unique within viticulturally viable growing areas in the Santa Cruz Mountains. The bedrock formations are covered at the lower elevations and isolated tablelands by depositions of sandstone, primarily Santa Margarita sandstone and to a lesser extent Santa Cruz Mudstone. The combination of the granitic quartz diorite and metasedimentary rock structures with

the sandstone deposits and forest detritus forms a variety of soil complexes which are generally described as slightly acidic, sandy loams. The resultant topsoil complexes are well-drained and deep, lending themselves readily to successful viticulture as demonstrated by past and present vineyards in the area.

(c) *Climate.* (1) The Ben Lomond Mountain area is particularly distinguishable by climatological evidence. Ben Lomond Mountain presents the first major obstruction to marine weather patterns. Winter storms lose much of their moisture on the western slope of coastal hills and mountains where the warm, moisture-laden marine air is lifted and cools, precipitating in fogs or rainfall. As a result, Ben Lomond Mountain draws much of the precipitation from marine air that moves onshore between the city of Santa Cruz and Ano Nuevo point. Consequently, Ben Lomond Mountain receives the highest average amount of precipitation in Santa Cruz County at 60 inches.

(2) During the summer, the mountain forms a barrier against the low-lying fogs that inundate the shore and coastal valleys. This fogbelt generally rests between the 400- and 800-foot elevations along the western slope of Ben Lomond Mountain. Above this level, the marine air climate tends to give way to a low mountain climate where abundant sunshine is characteristic of the summer months.

(3) The 1972 University of California climatological study of prime growing areas for commercial crops demonstrates the suitability of the climate afforded by Ben Lomond Mountain for wine grape production. Of special interest is the delineation of a "premium wine grape production thermal" existing along the ridgeline of the mountain above 1,500 feet.

Proposed Boundaries

The boundaries of the proposed Ben Lomond Mountain viticultural area may be found on four U.S.G.S. maps. The maps are 7.5 minute series with a scale of 1:24000. The four maps are titled Davenport Quadrangle (1955, photorevised 1968), Big Basin Quadrangle (1955, photorevised 1973), Felton Quadrangle (1955, photorevised 1980) and Santa Cruz Quadrangle (1954, photorevised 1981). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations which immediately follow the preamble to this notice of proposed rulemaking.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, States, or local government agencies, or geographic regions; and it will not have significant adverse effects, on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 603, 604) are not applicable to this notice because the proposal, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The prinicipal author of this document is Robert L. White, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

27 CFR Part 9, *American Viticultural Areas*, is amended to read as follows:

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.118 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

§ 9.118 Ben Lomond Mountain.

Par. 3. Subpart C is amended by adding § 9.118 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.118 Ben Lomond Mountain.

(a) *Name.* The name of the viticultural area described in this section is "Ben Lomond Mountain."

(b) *Approved maps.* The appropriate maps for determining the boundaries of

the Ben Lomond Mountain viticultural area are four 7.5 minute series U.S.G.S. maps. They are titled:

(1) Davenport Quadrangle (1955, photorevised 1968);

(2) Big Basin Quadrangle (1955, photorevised 1973);

(3) Felton Quadrangle (1955, photorevised 1980); and

(4) Santa Cruz Qaudrangle (1954, photorevised 1981).

(c) *Boundaries.* The Ben Lomond Mountain viticultural area is located entirely within Santa Cruz County, California, which is in the central part of the State near the coast. The beginning point is the intersection of Sections 25, 26, 35 and 36 (Davenport Quadrangle, T. 10S., R. 3W.) which coincides with the 800-foot contour line and is approximately .6 mile northwest of the top of Bald Mountain.

(1) From the beginning point, the boundary follows the 800-foot contour line in a meandering manner in a generally northesterly direction across Section 26 into Section 27 (T. 10S., R. 3W).

(2) Thence along the 800-foot contour line in an easterly and then generally a northweasterly direction through Section 27 and then back across the northwest corner of Section 26 and thence in a generally northwesterly direction along the 800-foot contour line across Sections 23, 22 and into Section 15.

(3) Thence along the 800-foot contour line in a northerly and then a southerly direction across Section 22 and eventually in a generally northwesterly direction into Section 20.

(4) Thence continuing along the 800-foot contour line in a generally northwesterly direction through Sections 20, 17, 16, 17, 16, 9, 8, 5, 6, 7 and 6 (T. 10S., R. 3W.).

(5) Thence continuing in a northerly direction across Sections 5 and 32 and thence in a southwesterly direction across Sections 31 and 6.

(6) Thence continuing in a generally northerly direction across Sections 1, 6, 31, 36, 31, 36 and 30 (T. 9S., R. 3W.) to the intersection of the 800-foot contour line and Scott Creek in section 19 (T. 9S., R. 3W.).

(7) Thence in a northeasterly direction along the south bank of Scott Creek through Sections 19, 20 and 17 to the intersection of Scott Creek with the 1,600-foot contour line in Section 16 (T. 9S., R. 3W.).

(8) Thence in a generally northweasterly and then southerly direction along the 1,600-foot contour line through Section 16 and then through the southeast and southwest corners of Sections 9 and 10 respectively to the intersection of the 1,600-foot contour line with Jamison Creek in Section 16 (T. 9S., R. 3W.).

(9) Thence in an easterly direction along the south bank of Jamison Creek across Sections 15 and 14 (T. 9S., R. 3W.) to the intersection of Jamison Creek and the 800-foot contour line in the southeast corner of Section 14 (T. 9S., R. 3W.).

(10) Thence in a southeasterly direction in a meandering manner along the 800-foot contour line across Sections 14, 23, 24, 25 (T. 9S., R. 3W.), Sections 30 and 31 (T. 9S., R. 2W.), and Sections 32, 5, 8, 9, 16, 17 and 21 (T. 10S., R. 2W.).

(11) Thence in a southwesterly, then generally a southeasterly and then a northwesterly direction along the 800-foot contour line in a meandering manner to Section 31 and then continuing on through Sections 31 and 30 (T. 10S., R. 2W.).

(12) Thence continuing along the 800-foot contour line in a generally southerly and then a generally northwesterly direction through Sections 25, 36, 31 and 36 to the point of beginning at the intersection of Sections 25, 26, 35 and 36 (T. 10S., R. 3W.).

Approved: April 17, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87-9438 Filed 4-24-87; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 87-06]

Drawbridge Operations Regulations; Sanibel Causeway, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Lee County Department of Transportation, the Coast Guard is considering a change to the regulations governing the Sanibel Causeway bridge at Punta Rassa, Florida, by extending weekday opening restrictions by 30 minutes and by adding opening restrictions on weekend and holiday afternoons. This proposal is being made because of complaints about vehicular traffic dalays. This action should accommodate the needs of highway traffic and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 11, 1987.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW. 1st Avenue, Miami, Florida 33130-1608. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW. 1st Avenue, Room 816, Miami, Florida. Normal office hours are from 7:30 a.m. to 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne D. Lee, Chief, Bridge Section, Seventh Coast Guard District, telephone (305) 536-4103.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information: The drafters of this notice are Mrs. Zonia C. Reyes, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Proposed Regulations: The Sanibel Causeway bridge currently opens on signal, except that from 3:45 p.m. to 4:45 p.m., Monday through Friday, except Federal holidays, the draw is required to open only 4:15 p.m for the passage of vessels. Lee County has asked that the period of restricted opening be extended to 5:15 p.m., with an opening at 4:45 p.m., and that the restrictions apply seven days a week. Drawbridge operation records and traffic counts show that extending the weekday restrictions to 5:15 p.m. would have only minimal impacts on navigation and may improve the flow of vehicular traffic. Weekend and holiday highway traffic volume is smaller and the number of boats requiring bridge openings is greater. We believe that opening the bridge at 15-minute intervals on weekend and holiday afternoons would allow accumulated vehicular traffic to disperse between openings, while still providing for the reasonably prompt passage of vessels.

Economic Assessment and Certification: These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation

regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulation allows for tugs with tows to pass at any time. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.317(k) is revised to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.317 Okeechobee Waterway.

* * * * *

(k) *Sanibel Causeway.* The draw of the Sanibel Causeway bridge, mile 151.0, at Punta Rassa shall open on signal; except that from 3:45 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need open only at 4:15 p.m. and 4:45 p.m. On Saturdays, Sundays, and Federal holidays from 3:45 p.m. to 5:15 p.m., the draw need open only at 4 p.m., 4:15 p.m., 4:30 p.m., 4:45 p.m. and 5 p.m. Exempt vessels shall be passed at any time.

Dated: April 16, 1987.

H.B. Thorsen,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 87–9446 Filed 4–24–87; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[FRL–3199–4]

State Underground Injection Control Programs; Illinois

AGENCY: U. S. Environmental Protection Agency (U.S. EPA).

ACTION: Notice of public hearing and public comment period.

SUMMARY: U.S. EPA announces a public hearing and public comment period regarding withdrawal of approval of Illionis' Class II Underground Injection Control (UIC) program administered by the Illinois Department of Mines and Minerals (IDMM). The State currently has primary enforcement responsibility for this program under section 1425 of the Safe Drinking Water Act (SDWA), as amended, 42 U.S.C. 300h–4. This action is the second step in the withdrawal process established in 40 CFR 145.34(b). Withdrawal of approval would, if completed, divest Illinois of primary enforcement responsibility under the SDWA to regulate Class II injection wells within the State, and U.S. EPA would then promulgate and administer an UIC program to regulate Class II injection wells in Illinois.

U.S. EPA is proceeding with a public hearing and public comment period to discuss withdrawal of the State's Class II UIC program, because Illinois has not demonstrated that it has a program which is in compliance with U.S. EPA's program requirements, or is presently effective in protecting underground sources of drinking water.

A public hearing, to discuss the Illinois Class II UIC program and the U.S. EPA action to proceed with withdrawal of approval of the program, will be held on July 8, 1987, at 10 a.m. to 3 p.m., at the following location: Rend Lake College Theater, Rend Lake College, RR #1, Ina, Illinois.

At the public hearing, all interested persons shall be given opportunity to make written or oral presentations on the State's 1425 program and the U.S. EPA action to withdraw approval of it. In addition, comments may be submitted as provided below.

DATES: Comments on the Illinois Class II UIC program on the U.S. EPA action to proceed with withdrawal of approval of the program must be received by August 7, 1987. As discssed above, a public hearing will be held on July 8, 1987.

ADDRESSES: Copies of documents regarding this action are available at the following addresses for review: (It is recommended that you telephone John Taylor, at (312) 886–4299, before visiting the Region V offices.)

Underground Injection Control Section (5WD–TUB–09), Safe Drinking Water Branch, Region V, U. S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

C.E. Brehm Library, 101 South Seventh Street, Mt. Vernon, Illionois

Open: 9 a.m.–8 p.m. M–F, 11 a.m–5 p.m. Sat. 1 p.m.–5 p.m. Sunday.

As discussed above, a public hearing will be held at: Rend Lake College Theater, Rend Lake College, RR #1, Ina, Illinois.

Comments on U.S. EPA's proceeding to withdraw approval of the Illinois Class II UIC program, or on the State program itself, should be submitted at the public hearing or addressed to: (Please submit an original and three copies, if possible.) Mr. Edward P. Watters, Chief, Underground Injection Control Section (5WD–TUB–09), Safe Drinking Water Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mr. John Taylor, Safe Drinking Water Branch (5WD–TUB–09), U. S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–4299.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 1981, Illinois applied for primary enforcement responsibility (primacy) for the State's Class II UIC program under section 1425 of the SDWA. The SDWA established the Class II UIC program to protect underground sources of drinking water (USDW) from possible adverse impacts that could result from the improper injection of fluids associated with the production of oil and gas.

On February 1, 1984, the U.S. EPA granted primacy to Illinois. The State designated the IDMM as the implementing agency. This authorization of primacy is codified at 40 CFR 147.701. In approving Illinois' primacy, U.S. EPA also approved the State's program description, Memorandum of Agreement, and associated program commitments from the IDMM. These program commitments included implementing an effective program of regulations and enforcement to ensure that USDW would be protected.

In April 1985, the U.S. EPA conducted a routine evaluation of the State's Class II program administered by the IDMM. The evaluation raised a number of questions about the program; and, as a result, the U.S. EPA conducted a detailed, in-depth evaluation which culminated in the report entitled, *Evaluation of the Illinois Department of Mines and Minerals, Division of Oil and Gas, Class II Underground Injection Control Program Report.* This report outlined a number of concerns that the U.S. EPA had about the program and its ability to ensure protection of USDW. The report included corrective actions

that needed to be instituted by IDMM in order to achieve a program that would be effective in protecting USDW. This report was transmitted to the Director of the IDMM on December 13, 1985.

Since the initial evaluation, U.S. EPA has pursued negotiations with the IDMM and with the Governor's office. To date, the State has failed to make the appropriate and required program changes.

Illinois 1425 Program Deficiencies

The report, *Evaluation of the Illinois Department of Mines and Minerals, Division of Oil and Gas, Class II Underground Injection Control Program Report,* outlined and documented areas of the program that are deficient in ensuring that USDW would be protected. The deficiencies include the following:

- The IDMM has failed to ensure adequate protection of USDWs because of deficiencies in permits issued for injection wells. There has been no evidence to show that information on USDW, confining layers, and well logs, for example, is evaluated in making injection well permit determinations. Information concerning confining layers, locations of USDW, and well logs is not completed in permit applications. Since all permits are preprinted with the Director's signature, there is no way to verify that these permits have an adequate technical review, or that they are complete and valid permits. IDMM injection well permits contain no monitoring, reporting and recordkeeping requirements by which continuous compliance can be controlled.
- IDMM also has not effectively ensured that all Class II wells demonstrate mechanical integrity every 5 years. A well must have mechanical integrity in order to ensure that fluids are injected at the depth required in the permit. An estimated two-thirds of the State's Class II well operators have not complied with the mechanical integrity requirements.
- The IDMM has failed to require and/or enforce operator reporting requirements. Most operators do not report the results of their monitoring, as required in the State's regulations.
- IDMM does not operate an effective program to enforce against violations that endanger USDW. It has been left to the discretion of local field inspectors to initiate enforcement actions. U.S. EPA did not find any cases where such enforcement actions had occurred that involved injection activities, despite citizen complaints and widespread noncompliance.

Withdrawal Procedure

Section 1425 of the SDWA and the guidance published in connection therewith do not contain express procedures for the withdrawal of a section 1425 program. U.S. EPA has promulgated procedures for the analogous situation of withdrawing a section 1422 program at 40 CFR 145.34. In lieu of express provisions, U.S. EPA is following the 1422 procedures in considering withdrawal of the Illinois' 1425 program.

On December 12, 1986, the Administrator of the U.S. EPA notified the Governor of Illinois of his decision to initiate the process to withdraw approval of the Illinois 1425 program. The Administrator reached this decision after negotiations among U.S. EPA, IDMM, and the Governor's office failed to correct the identified program deficiencies.

The Administrator's notice to the Governor of Illinois constituted the first step in the withdrawal process; and, according to the procedures outlined in 40 CFR 145.34(b), the State was given 30 days after receipt of the notice to demonstrate that its 1425 program ensures that USDW are protected.

Illinois responded to the Administrator's notice in a letter dated January 14, 1987, and in a meeting with U.S. EPA officials on January 15, 1987. The State, however, has not demonstrated that the identified program deficiencies have been corrected or that the Illinois 1425 program ensures protection of USDW. Therefore, in accordance with 40 CFR 145.34(b)(2), the Administrator is soliciting comments on the withdrawal of the Class II UIC program from the IDMM. This constitutes the second step in the withdrawal process. Following the public hearing and public comment period, U.S. EPA will fully evaluate the record. If U.S. EPA finds that the State is not in compliance, the Administrator will notify the State that the Class II UIC program is being withdrawn. Within 90 days of receipt of that notification, Illinois must fully implement the necessary actions to ensure protection of USDW, or the Class II UIC program will be withdrawn.

Program approval will not be withdrawn if Illinois can demonstrate that it has an effective 1425 program, prior to a final determination to withdrawn approval of the program. If U.S. EPA does withdraw approval of the Illinois Class II program, it will propose, promulgate and implement a Federal program for Class II wells located in Illinois.

U.S. EPA is providing a public comment period regarding withdrawal of the Illinois Class II UIC program under section 1425 of the SDWA. Public comments received on or before August 7, 1987, will be considered in U.S. EPA's final evaluation of the ability of the Illinois 1425 program to ensure protection of USDW.

A public hearing will be held on July 8, 1987, at 10 a.m. to 3 p.m. at the following location: Rend Lake College Threater, Rend Lake College, RR #1, Ina, Illinois.

The hearing will be an administrative hearing to accept comments regarding the Illinois Class II UIC program and the U.S. EPA action to proceed with withdrawal of approval of the program.

Authority: 42 U.S.C. 300f–300j.

Dated: April 16, 1987.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 87–9439 Filed 4–24–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–97, RM–5598]

Radio Broadcasting Services; Laughlin, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Saguaro Broadcasting to allocate Channel 300C1 to Laughlin, Nevada, as the community's first local FM service. Channel 300C1 can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. However, since Laughlin is not listed in the 1980 U.S. Census, petitioner is requested to provide further information to show that the area is a "community" for allocation purposes. Absent such a showing, the allotment may not be made.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Eugene L. Burke, Esq., Burke & Burke, P.O. Box 439, Falls Church, Virginia 22046.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–97, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 30), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9414 Filed 4–24–87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87–94, RM–5584]

Radio Broadcasting Services; Mesquite, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to allocate Channel 248C1 to Mesquite, Nevada, as the community's first local FM service, at the request of Dale G. Gardner. Channel 248C1 can be allocated to Mesquite in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Petitioner is requested to furnish data showing that Mesquite is a community for allotment purposes since it is not listed in the 1980 U.S. Census.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dale G. Gardner, 781 N. Valley View Drive, #28, St. George, Utah 84770 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–94, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9415 Filed 4–24–87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87–98, RM–5609]

Radio Broadcasting Services; Socastee, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Cat Communications requesting the allocation of Channel 258A to Socastee, South Carolina, as the community's first local FM service. The channel can be allocated in compliance with the Commission's minimum distance separation requirements, without a site restriction, contingent upon Station WZFX, Channel 256 at Whiteville, North Carolina, being licensed with the Class C1 facilities specified in its outstanding construction permit (BPH–851226ID).

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Earl R. Stanley, Esq, Kenneth E. Satten, Esq., Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, NW., 6th Floor, Washingtion DC 20006 (Counsel to petitioner)

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–98, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription service, (202) 857–3800, 2100 M Street, NW. Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexbility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9416 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-89, RM-5680]

Radio Broadcasting Services; Manchester, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Roger Hcwell Dotson and James Brittan Gilmore proposing the allotment of Channel 268A to Manchester, Tennessee, as that community's second FM service. A site restriction of 9.0 kilometers (5.6 miles) southwest of the community is required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Roger H. Dotson and James B. Gilmore, 1600 McArthur Drive, Manchester, Tennessee 37355 (Petitioners).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-89, adopted March 13,, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contract.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9417 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-95, RM-5648]

Radio Broadcasting Services; Anson, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by George L. Chambers proposing the substitution of Channel 251C2 for Channel 252A at Anson, Texas and modification of the construction permit for Station KTCE(FM), Channel 252A, Anson, to specify operation on Channel 251C2, as that community's first wide area coverage FM service.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: David M. Hunsaker, Esquire, Putbrese & Hunsaker, 6800 Fleetwood Road, P.O. Box 539, McLean, Virginia 22101 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-95 adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9418 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-88, RM-5523, 5578]

Radio Broadcasting Services; Raymondville and Alice, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on petitions by Edgar L. Clinton, licensee of Station KSOX-FM, Channel 269A at Raymondville, Texas and Alice Broadcasting Corporation, licensee of Station KBIC(FM), Channel 272A at Alice, Texas, proposing the substitution of Channel 271C2 for Channel 269A at Raymondville or for Channel 272A at Alice, Texas, and modification of their licenses to specify operation on the new channel. The substitution could provide either community with its first wide area coverage FM station. The Raymondville proposal requires a site restriction of 17.3 kilometers (10.8 miles) north of the community. A site restriction of 15.5 kilometers (9.6 miles) south of Alice is required. Also concurrence by the Mexican government is required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioners, or their counsel or consultant, as follows: Jerrold Miller, Esquire, Miller & Fields, P.O. Box 33003, Washington, DC 20033 (Counsel to Edgar L. Clinton) and John R. Wilner, Esquire, Gary P. Schonman, Bryan, Cave, McPheeters & McRoberts, 1015 Fifeenth Street, NW., Suite 1000, Washington, DC 20005 (Counsel for Alice Broadcasting Corporation).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–88, adopted February 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Commications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9419 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–96, RM–5656]

Radio Broadcasting Services; Morrisville, VT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The document requests comments on a petition by Peter Morton proposing the allotment of Channel 230A to Morrisville, Vermont, as that community's first FM service. Canadian concurrence is required.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Peter Morton, P.O. Box 1303, Burlington, VT 05402 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–96, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9420 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–91, RM–5678]

Radio Broadcasting Services; Sunderland, VT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Timothy Dodge proposing the allotment of Channel 236A to Sunderland, Vermont, as that community's first FM service. A site restriction of 2.4 kilometers (1.5 miles) northwest of the community is required. Canadian concurrence is also required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Timothy Dodge, Harvest Broadcasting Services, Box 105FM, Hinsdale, NH 03451 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–91, adopted March 13, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9421 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87-92, RM-5422, RM-5618, RM-5670]

Radio Broadcasting Services; Cedar Bluff and Richlands, VA et al.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on three mutually exclusive petitions by Cedar Bluff Broadcasting Inc., Clinch Valley Broadcasting Corporation and Jama Burnette proposing the allotment of Channel 299A to Cedar Bluff, Richlands, Virginia or Welch, West Virginia, respectively. The channel could provide a first FM service at either Cedar Bluff or Welch; or Richlands with its second FM service. Cedar Bluff requires a site restriction of 2.3 kilometers (1.4 miles) north of the community. A site restriction of 3.5 kilometers (2.2 miles) north of Richlands is required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

David Tillotson, Esquire, Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, NW., Washington, DC 20036-5339;

(Counsel to Cedar Bluff Broadcasting, Inc.)

Earl R. Stanley, Esquire, Kenneth E. Satten, Esquire, Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, NW., 6th Floor, Washington, DC 20006;

(Counsel for Clinch Valley Broadcasting Corporation)

John B. Kenkel, Esquire, Kenkel, Barnard & Edmundson, Suite 202, 1220 Nineteenth Street, NW., Washington, DC 20036, (Counsel for Jama Burnette.)

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-92, adopted March 27, 1987 and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch Mass Media Bureau.

[FR Doc. 87-9422 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-90, RM-5637]

Radio Broadcasting Services; Walla Walla, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Blanche Marie Hodgins, proposing the substitution of Channel 264C2 for Channel 265A at Walla Walla, Washington and modification of the construction permit for Station KHSS(FM), Channel 265A, Walla Walla to specify operation on Channel 264C2, as that community's fourth expanded service station.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Jeffrey D. Southmayd, Esquire, Southmayd, Powell & Taylor, 1764 Church Street, NW., Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-90, adopted March 13, 1987, and released April 17, 1987. The full text of the Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures or comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9423 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 393 and 396

[OMCS Docket No. MC-113, Notice No. 87-02; and OMCS Docket No. MC-127, Notice No. 87-01]

Parts and Accessories Necessary for Safe Operation; Inspection, Repair, and Maintenance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment periods.

SUMMARY: The FHWA issued two notices of proposed rulemaking (NPRM) which were published in the Federal Register on February 26. Both comment periods are scheduled to close on April 27. The FHWA has received four formal requests for extensions of these comment periods and has been advised that additional requests will be forthcoming. The comment period is, therefore, being extended 60 days. No

further requests for extension will be considered on either of these rulemaking actions.

DATE: Comments must be received on or before June 29, 1987.

ADDRESS: All comments should refer to the docket number which appears at the top of this document and must be submitted (preferably in triplicate) to Room 3404, Office of Motor Carrier Standards, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination, at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Standards, (202) 366–2999; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 366–1352, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The American Trucking Association, Inc., has requested a 62-day extension. The Commercial Vehicle Safety Alliance and the Tank Truck Manufacturers Association have requested a 90-day extension. The National Association of Regulatory Utility Commissioners asked for a one-week extension of time. All petitioners cited the complexity and controversial nature of the rulemakings as the reasons for needing additional time to prepare substantive responses. The FHWA anticipates receiving similar requests from other organizations in the transportation industry.

These rulemaking actions encompass approximately 51 percent of the present Federal Motor Carrier Safety Regulations and address more than 75 separate items of subject matter. The FHWA, therefore, concludes that requests to extend the comment periods have merit. Accordingly, the comment periods for both dockets are being extended until Monday, June 29, 1987.

List of Subjects in 49 CFR Parts 393 and 396

Highways and roads, Highway safety, Motor carriers, Motor vehicle safety, Parts and accessories, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety).

Issued on: April 23, 1987.

Ray Barnhart,

Federal Highway Administrator.

[FR Doc. 87–9571 Filed 4–24–87; 8:45 am]

BILLING CODE 4910-22-M

Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 87-003N]

Exemption for Retail Stores; Adjustment of Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the dollar limitations currently in effect on the annual sales of meat and poultry products that can be sold by retail stores exempt from Federal inspection requirements to consumers other than household consumers, such as hotels, restaurants and similar institutions, have been adjusted to conform with price changes for meat and poultry products as indicated by the Consumer Price Index. The dollar limitation for meat products increases from $28,800 to $30,500 for calendar year 1987 and the dollar limitation for poultry products increases from $28,200 to $31,000 for calendar year 1987.

EFFECTIVE DATE: April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Stafko, Director, Policy Office, Policy and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-8168.

Background

Federal inspection of meat and poultry products prepared for sale or distribution in commerce or in States designated under section 301(c) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 661(c)) and section 5(c) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 454(c)) is required by law and administered by the Food Safety and Inspection Service (FSIS). However, section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) state that the general requirement of routine Federal inspection ". . . shall not apply to operations of types traditionally and usually conducted at retail stores . . . when conducted at any retail store . . . for sale in normal retail quantities . . . to consumers. . . ."

FSIS regulations (9 CFR 303.1(d) and 381.10(d)) define retail stores that qualify for exemption from routine Federal inspection under the FMIA or PPIA. Whether or not FSIS deems an establishment to be an exempt retail establishment depends, in part, upon the percentage and volume of its trade with consumers other than household consumers, such as hotels, restaurants and similar institutions. Accordingly, the Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat and poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. During calendar year 1986, the maximum amount for meat products, was $28,800; for poultry products, the amount was $28,200.

The Federal meat and poultry products inspection regulations (9 CFR 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*) further provide that the dollar limitation on product sales by retail stores to consumers other than household consumers will be automatically adjusted during the first quarter of each calendar year whenever the Consumer Price Index, published by the Bureau of Labor Statistics (BLS), Department of Labor, indicates a change during the previous year in the price of the same volume of product exceeding $500, upward or downward. The regulations also require that notice of the adjusted dollar limitation be published in the Federal Register.

The BLS Consumer Price Index for 1986 indicates a price increase in meat products of 6.0 percent and a price increase in poultry products of 9.8 percent. As a percentage of the existing dollar limitation, a change in excess of $500 is indicated for both meat and poultry products. When rounded off to the nearest $100, the price increase for meat products amounts to $1,700 and the price increase for poultry products amounts to $2,800.

Accordingly, FSIS, in accordance with §§ 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*) of the regulations, has automatically increased the dollar limitations on product sales to consumers other than household consumers by establishments operating as retail establishments exempt from Federal inspection requirements. Therefore, the dollar limitations for 1986 have been adjusted to $30,500 for meat products and $31,000 for poultry products.

Done at Washington, DC, on: April 22, 1987.

Donald L. Houston,

Administration, Food Safety and Inspection Service.

[FR Doc. 87-9455 Filed 4-24-87; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-605]

Final Determination of Sales at Less Than Fair Value; Malleable Cast Iron Pipe Fittings From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that certain malleable cast iron pipe fittings from Japan (pipe fittings) are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to continue to suspend liquidation of all entries of pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-5332 or 377-5288.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by Hitachi Metals Limited (Hitachi) during the period of investigation, March 1, 1986 through August 31, 1986. Comparisons were based on United States price and foreign market value, which was based on home market prices. The weighted-average margins are listed in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

On August 29, 1986, we received a petition filed in proper form by the Cast Iron Pipe Fittings Committee on behalf of the domestic manufacturers of pipe fittings. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on September 18, 1986 (51 FR 34110, September 25, 1986), and notified the ITC of our action. On October 14, 1986, the ITC found that there is a reasonable indication that imports of pipe fittings from Japan are materally injuring a U.S. industry (USITC Pub. No. 1900).

On October 16, 1986, we presented an antidumping duty questionnaire to Hitachi. We requested a response in 30 days. On October 30, 1986, respondent requested an extension of the due date for the questionnaire response. We granted a two-week extension. We received a response on December 8, 1986. On December 24, 1986, the Department requested supplemental information. A supplemental response was received on January 8, 1987.

On January 15 and February 9, 1987, we requested further information from Hitachi. On February 20, 1987, supplemental responses were received from that company. On February 5, 1987, we made an affirmative preliminary determination (52 FR 4635, February 13, 1987).

As required by the Act, we afforded interested parties an opportunity to submit oral and written comments addressing the issues arising in this investigation. A public hearing was scheduled on April 3, 1987, as requested by the respondent. On March 26, 1987, respondent withdrew its request for a public hearing. Written comments on the issues arising in this investigation were submitted by both interested parties.

Scope of Investigation

The products covered by this investigation are malleable cast iron pipe fittings, advanced in condition by operations or processes subsequent to the casting process other than with grooves, or not advanced, of cast iron other than alloy cast iron, as currently provided for in items 610.7000 and 610.7400 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared the United States purchase price and exporter's sales price with the foreign market value, based on home market prices.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for certain sales since the merchandise was purchased by the unrelated U.S. customer directly from the foreign manufacturer prior to importation. As provided in section 772(c) of the Act, we used the exporter's sales price of the subject merchandise to represent the United States price when the merchandise was imported into the U.S. by a party related to the exporter and subsequently sold to unrelated purchasers in the United States.

We calculated purchase price based on the packed, c.i.f. delivered, duty paid, prices to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, brokerage, U.S. duty, and U.S. inland freight. We calculated exporter's sales price by deducting, where appropriate, foreign inland freight, ocean freight, marine insurance, Japanese brokerage, U.S. duty, U.S. brokerage, U.S. inland freight and discounts. We also made a deduction for credit expenses and other selling expenses.

Foreign Market Value

In accordance with section 773(a) of the Act, we used home market delivered prices of such or similar merchandise to determine foreign market value. Hitachi had made a small portion of sales to its related firm in Japan. We found the prices between Hitachi and its related purchaser to be "comparable" to prices to its unrelated purchasers. Accordingly, we based our calculation of foreign market value on delivered, packed, prices to all purchasers. When comparing purchase price to foreign market value, we made deductions, where appropriate, for discounts, rebates, and inland freight. We made an adjustment for differences in circumstances of sales in accordance with § 353.15 of our regulations for differences in advertising and credit expenses between the two markets. Where sales involved unrelated party commissions, indirect selling expenses were granted as an offset for the cost of the U.S. commission expenses in accordance with § 353.15(c) of the Commerce Regulations.

When comparing exporter's sales price to the home market price, we made deductions, where appropriate, for discounts, rebates, and inland freight. We also deducted advertising, credit expenses and indirect selling expenses from the home market price but limited the deduction for home market indirect selling expenses to the amount of the U.S. indirect selling expenses.

For those pipe fittings where there were no identical products in the home market with which to compare products sold to the United States, we made adjustments to similar merchandise to account for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act. These adjustments were based on differences in the costs of materials, direct labor and directly related factory overhead.

Hitachi claimed an adjustment for the cost of pre- and post-sale loading of the merchandise at the warehouse. We do not allow adjustments for pre-sale costs of loading merchandise into the warehouse as this is viewed as an indirect expense which occurs prior to sale. Accordingly, since we would only allow the post-sale loading charge from the warehouse as an adjustment, and because Hitachi was unable to separate that portion of the overall costs associated with this loading, we have not allowed this claim. Respondent has withdrawn the claim for an adjustment for other warehousing expenses.

We did not allow a claim for Hitachi's liability insurance premium expense as a circumstance of sale adjustment because the claimed costs were not directly related to sales as required by § 353.15 of the Commerce Regulations.

We deducted home market packing costs and added the packing costs incurred on sales to the United States.

Currency Conversion

For comparisons involving purchase price transactions, when calculating foreign market value, we made currency conversions from Japanese yen to U.S. dollars in accordance with § 353.15(a)(1) of our regulations. For comparisons involving exporter's sales price transactions, we used the official certified Federal Reserve exchange rate on the date of sale to the first unrelated purchaser pursuant to section 615 of the Trade and Tariff Act of 1984 (the 1984 Act). We followed section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, as it supersedes that section of the regulations.

Verification

As provided in section 776(a) of the Act, we verified all information provided by the respondent, using standard verification procedures, including examination of accounting records and original source documents containing relevant information on selected sales.

Petitioner's Comments

Comment. The petitioner urges the Department to use the monthly average packing cost instead of the average cost for the entire investigative period. Also, since the contractor who performs packing is related to Hitachi, it is not clear whether the packing costs are derived from "arm's length transactions."

DOC Position. It is our usual practice to use the verified average packing cost for the period of investigation. We verified that the slightly higher cost for domestic packing is due to increased labor costs, since domestic cartons are larger and there is greater automation in export packing.

Comment 2. The petitioner urges the Department to correct the errors on the credit cost and discounts found during the verification before making its final determination.

DOC Position. We agree and have made these corrections.

Respondent's Comments

Comment 1. Hitachi argues that, for converting the yen to dollars in calculating exporter's sales price (ESP), the Department should use the exchange rate on the date of exportation of the merchandise. The respondent argues that the Department should follow § 353.56(a)(2) of the regulations to govern the currency conversion rather than section 615 of the 1984 Act because the Department has not changed its regulation to comply with the 1984 Act.

Moreover, Commerce cannot modify its practice without following the notice and comment requirements of the Administrative Procedure Act (APA).

DOC Position. We disagree. Section 615 of the 1984 Act has superseded 19 CFR 353.56(a)(2). Section 615 requires us to use a comparison home market price at the time of the ESP sale to an unrelated purchaser. Respondent would have us apply the exchange rate in effect on the date of export to a home market sale transaction made at a much later date. This result could not have been intended by Congress. Since the effective date of the 1984 Act, the Department has consistently followed section 615 in order to give effect to Congressional intent. In accordance with the APA, the Department has proposed an amendment to 19 CFR 353.56(a)(2) to bring it into compliance with section 615 (Proposed 353.60, 51 FR 29046, 29074, August 13, 1986).

Comment 2. Hitachi claims that the Department should apply § 353.56(b) of the Regulations, the "special rule" for temporary exchange rate fluctuation.

DOC Position. The period of investigation was characterized by a substantial depreciation of the dollar against the yen. Indeed, this trend was apparent for at least several months prior to the period of investigation. The dollar/yen exchange rate was clearly subject to a sustained change during the period of investigation. The regulation provides that respondents "will be expected to act within a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rates." The Department will consider lagging the exchange rates used in fair value investigations when respondents can show that they have acted within a reasonable period of time to adjust their prices in response to the change. In this case, application of the "special rule" is not warranted because the respondent failed to adjust its prices.

Because respondent has alleged that the period of investigation was characterized by temporary exchange rate fluctuations, we have also considered the second part of § 353.56(b) which provides that "no differences between the prices being compared resulting solely from such [temporary] exchange rate fluctuations will be taken into account in fair value investigations." We have determined that the margins in this investigation did not result solely from any temporary fluctuations. (We have considered temporary exchange rate fluctuations to have taken place on any day on which the exchange rate varied by five percent or more from the quarterly rate.)

Comment 3. Respondent argues that since sales are made under confirmed orders in U.S. dollars between Hitachi Metals, Ltd (HML) in Japan and its importer, Hitachi Metals International (HMI) in the United States, the only exchange rares that would be relevant would be the rates in effect on the date of order and the date of payment.

DOC Position. We disagree. Section 615 of the 1984 Act requires us to determine foreign market value by reference to the home market price at the time of the sale in the United States to the first unrelated purchaser. Since HMI is a wholly-owned subsidiary of HML, HMI is a related party to the exporter, and we must use the date of sale to the first unrelated purchaser as the date for comparison with home market sales. For the reasons explained in response to respondent's Comment 2, we used the exchange rate in effect on the date of the home market comparison sale.

Comment 4. Respondent argues that we should allow a "stock distribution discount" because the sales agreement shows this discount was verified.

DOC Position. We agree.

Comment 5. Hitachi argues that the charge for unloading merchandise at the warehouse and the charge for loading merchandise onto delivery trucks should be allowed as adjustments because they are both direct selling expenses, especially the loading charge which is a post-sale expense included in the delivered price charged to customers.

DOC Position. We disagree. The unloading charge is not a direct selling expense, since it is incurred whether the sale is made or not. We cannot grant an adjustment for the loading expense because respondent's submission combined unloading and loading charges, and we have no way to identify the amount attributable to loading charges.

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register, in accordance with section 733(d) of the Act. The United States Customs Service shall require a cash deposit or the posting of a bond on all

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such entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margins (percentage)
Hitachi	57.39
All Others	57.39

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on pipe fittings from Japan entered, or withdrawn from warehouse, for consumption on or after the suspension or liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Lee W. Mercer,

Acting Assistant Secretary for Trade Administration.

April 21, 1987.

[FR Doc. 87-9452 Filed 4-24-87; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Limits for Certain Cotton, Wool, Man-Made Fiber and Other Vegetable Fiber Textiles and Textile Products From Jamaica

April 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 28, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202)377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

During recent consultations between the Governments of the United States and Jamaica, under the terms of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of August 27, 1986, as amended, agreement was reached to further amend the bilateral textile agreement to establish specific limits for cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in Categories 341/641, 345/845 and 445/446, produced or manufactured in Jamaica and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. Charges will be made to these limits as they become available. In addition, designated consultation levels were established for cotton and man-made fiber textile products in Categories 352/652 and 632, produced or manufactured in Jamaica and exported during the seven-month period which begins on June 1, 1987 and extends through December 31, 1987.

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in Categories 341/641, 345/845, 352/652, 445/446 and 632 at the designated levels.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 28, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in Categories 341/641, 345/845, 352/652, 445/446 and 632, produced or manufactured in Jamaica and exported during the indicated periods, in excess of the following restraint limits:

Category	12-mo restraint limit[1] Jan. 1—Dec. 31, 1987
341/641	385,000 doz.
345/845	95,000 doz.
445/446	47,000 doz.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1986.

Category	7-mo restraint limit, June 1—Dec. 31, 1987
352/652	58,333 doz.
632	58,333 doz. pairs.

Textile products in the foregoing categories which have been exported to the United States. prior to January 1, 1987, in the case of Categories 341/641, 345/845 and 445/446; and June 1, 1987, in the case of Categories 352/652 and 632 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-9372 Filed 4-24-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 20, 1987.

The USAF Scientific Advisory Board Tactical Cross-Matrix Panel will meet on May 14, 1987, from 8:00 A.M. to 5:00 P.M. at Headquarters, Tactical Air Command, Langley Air Force Base, VA.

The purpose of this meeting is to receive briefings on and to discuss programs affecting continental air defense.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-9374 Filed 4-24-87; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting

Announcement is made of meeting of the Military Personal Property Symposium. This meeting will be held on 12 May 1987 at the Stouffer Concourse Hotel, Crystal City, Arlington, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to Personal Property Traffic Management Regulation (DOD 4500.34R), and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Shipment and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT-PPM, at telephone number 756-1600, between 0800-1530 hours. Topics to be discussed should be received on or before 4 May 1987.

Dated: April 14, 1987.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 87-9370 Filed 4-24-87; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 87-04-NG]

Order Granting Blanket Authorization To Import Natural Gas From Canada; Home Oil Resources Ltd.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Home Oil Resources Ltd. (Home Oil) blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 87-04-NG authorizes Home Oil to import up to a maximum quantity of 73 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 17, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-9406 Filed 4-24-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-87-23; OFP Case No. 55118-9352-03-12]

Order Granting an Exemption Pursuant to the Powerplant and Industrial Fuel Use Act of 1978 to General Electric Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting exemption.

SUMMARY: On December 23, 1986, General Electric Company (GE or petitioner), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for its proposed new boiler house No. II, boiler #3 at its plant located in Mt. Vernon, Indiana. Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new major fuel burning installation or powerplant and prohibits the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501 and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found in 10 CFR 503.32.

Pursuant to section 212(g) of the Act and 10 CFR 503.32, ERA hereby issues this order granting a permanent exemption from the prohibitions of FUA for the proposed MFBI at the aforementioned installation.

The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on June 26, 1987.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–093, Washington, DC. 20585, Telephone (202) 586–8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6A–113, Washington, DC 20585, Telephone (202) 586–6947.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new MFBIs unless an exemption for such use has been granted by ERA. The petitioner has filed a petition for a permanent exemption to use natural gas or oil as a primary energy source in its facility located in Mt. Vernon, Indiana.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Procedural Requirements

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to this petition in the **Federal Register** on February 3, 1987 (51 FR 3331), commencing a 45-day public comment period pursuant to section 701(c) of FUA.

Copies of the petition were provided to the Environmental Protection Agency as required by section 701(f). During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on March 20, 1987; no comments were received and no hearing was requested.

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.32, and pursuant to section 212(g) of FUA, ERA hereby grants the petitioner's permanent exemption for the MFBI to be installed at its facility in Mt. Vernon, Indiana permitting the use of natural gas or oil as a primary energy source in the unit.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC on April 16, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–9404 Filed 4–24–87; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA C&E–87–49; OFP Case No. 64016–9361–20–24]

Powerplant and industrial fuel use; Acceptance of Petition for Exemption and Availability of Certification by Live Oak Cogen, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance.

SUMMARY: On March 16, 1987, Live Oak Cogen, Inc, (Live Oak or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for one gas-fired combined cycle powerplant to be located in Kern County, California.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on cogeneration. Final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington DC, 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 11, 1987. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–093, Forrestal Building, 1000 Independence Ave. SW., Washington, DC 20585.

Docket No. ERA C&E–87–49 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Coal of Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–093, Washington, DC 20585. Telephone (202) 586–9624

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A–113, 1000 Independence Avenue, SW.,

Washington, DC 20585. Telephone (202) 586–6947

SUPPLEMENTARY INFORMATION: The proposed 45 megawatt unit is a gas-fired combined cycle unit consisting of a gas turbine and a waste heat recovery boiler. All of the electricity will be sold to Pacific Gas and Electric and the steam will be used in an enhanced oil recovery operation.

Section 212(c) of the Act and 10 CFR 503.37 provides for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), the petitioner has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.35(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

On May 22, 1986, DOE published in the **Federal Register** (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a permanent cogeneration exemption from FUA is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. The petitioner has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by the petitioner pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on the petitioner's petition that the grant or denial of exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on April 16, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–9403 Filed 4–24–87; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA C&E–87–46; OFP Case No. 66024–9363–20–24]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by Peter J. Pitchess Honor Rancho

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance.

SUMMARY: On March 23, 1987, Peter J. Pitchess Honor Rancho (Peter J. Pitchess or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for a combined-cycle, natural gas fired cogeneration plant to be located in Saugus, California. Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on cogeneration. Final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 11, 1987. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–093, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA C&E–87–46 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Myra Couch, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–093, Washington, DC 20585, Telephone (202) 586–6769.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 586–6947.

SUPPLEMENTARY INFORMATION: The cogeneration equipment includes a gas turbine, a heat recovery generator and a steam turbine. The unit will have an electrical generating capacity of 25 MWs. The steam produced will be used in the institution to serve the laundry, air conditioning, hot water and produce electricity. More than 50% of electricity produced will be sold to Southern California Edison Company.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), the petitioner has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

On May 22, 1986, DOE published in the Federal Register (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a cogeneration FUA permanent exemption, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. The petitioner has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by the petitioner pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on the petitioner's petition that the grant or denial of exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on April 16, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-9405 Filed 4-24-87; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board (ERAB).

Date and Time: May 13, 1987—8:30 a.m.–5:30 p.m., May 14, 1987—9:00 a.m.–12:00 Noon.

Place: Department of Energy, 1000 Independence Avenue, SW., Room 8E-089, Washington, DC 20585.

Contact: John E. Metzler, Department of Energy, Office of Energy Research, ER-8, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/586-5444.

Purpose of the Board: To advise the Department of Energy [DOE] on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: The specific agenda items and times are subject to last minute changes. Visitors planning to attend for a specific topic should confirm the time prior to and during the day of the meeting.

Tentative Agenda

May 13, 1987

8:30 a.m.—Discussion of the Energy Security Report to the President
9:30 a.m.—Business Items
—Approval of February Meeting Minutes
—Schedule of ERAB Meetings for 1988
—Follow-up to Recent ERAB Reports
10:00 a.m.—Break
10:30 a.m.—Status of ERAB Study on R&D Initiatives for Energy Competitiveness
12:00 Noon—Lunch
1:00 p.m.—Discussions with Representatives from U.S. Industry, such as the Gas Research Institute and the Electric Power Research Institute on Energy R&D and U.S. Competitiveness
3:30 p.m.—Break
4:00 p.m.—Continuation of Discussions on Energy R&D and U.S. Competitiveness
5:20 p.m.—Public Comment (10 minute rule)
5:30 p.m.—Adjourn

May 14, 1987

9:00 a.m.—Discussion with Departmental Representatives on the ERAB Report "Geoscience Research for Energy Security"
10:00 a.m.—Discussion of Charge Letters for Research and Technology Utilization and for Education
11:00 a.m.—Concluding Discussion on R&D Initiatives for Energy Competitiveness
11:50 a.m.—Public Comment (10 minute rule)
12:00 Noon—Adjourn

Public Participation: The meeting is open to the public. The Chairman of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact John Metzler at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 20, 1987.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 87-9402 Filed 4-24-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 8464-001]

Shawano Hydro Associates; Surrender of Preliminary Permit

April 20, 1987.

Take notice that Shawano Hydro Associates, permittee for the proposed Hayman Falls Project No. 8464, has requested that its preliminary permit be terminated. The preliminary permit was issued on October 31, 1985, and would have expired on September 30, 1988. The project would have been located on Embarrass River in Shawano County, Wisconsin. The permittee states that the project would not be economically feasible to develop at this time.

The permittee filed the request on April 7, 1987, and the preliminary permit for Project No. 8464 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9392 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9283-001]

Summit Hydropower; Surrender of Preliminary Permit

April 20, 1987.

Take notice that the Summit Hydropower, permittee for the proposed

Fitchville Pond Project No. 9283, requested by letter dated March 30, 1987, that its preliminary permit be terminated. The preliminary permit was issued on October 18, 1985, and would have expired on October 31, 1988. The project would have been located on the Yantic River, in New London County, Connecticut.

The permittee filed the request on April 3, 1987, and the preliminary permit for Project No. 9283 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9393 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-401-000 and CI87-416-000]

Consolidated Gas Transmission Corp.; Applications on Behalf of Producer-Suppliers

April 20, 1987.

Take notice that on March 30, 1987, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed applications pursuant to section 7 of the Natural Gas Act, as amended, (NGA) and the Commission's Rules and Regulations thereunder, on behalf of its producer-suppliers currently selling natural gas that is subject to the Commission's jurisdiction under the NGA, for an order (1) authorizing in Docket No. CI87-416-000 the limited-term abandonment, on a blanket basis, of sales of such gas to Consolidated, to the extent such gas is released, and (2) issuing in Docket No. CI87-401-000 a blanket certificate of public convenience and necessity authorizing the sale for resale of such gas in interstate commerce with pregranted abandonment. Consolidated requests such authorization for the period of May 1, 1987, through February 28, 1989. The applications also request, on behalf of Consolidated's producer-suppliers, that the abandonment and certificate authorizations be considered on an expedited basis in accordance with § 2.77 of the Commission's Regulations, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Consolidated states that all jurisdictional gas purchased from its producer-suppliers in West Virginia. Pennsylvania, New York, Virginia. Louisiana. and the Gulf of Mexico is eligible for this program. and that the participation of any producer is strictly voluntary. According to Consolidated, the specific terms of any release will be agreed upon by it and each participating producer-supplier.

The applications state that, as a general rule, Consolidated will require that the weighted average cost of the gas released from any one producer be no less than the arithmetical average of the commodity rates available from Consolidated's three pipeline suppliers. The applications also state that Consolidated anticipates that most releases will be for three to six-month periods that correspond to the shut-in period for such gas. The applications also state that producers are free to negotiate for other terms and conditions and that Consolidated will consider any release proposal in good faith on a case-by-case basis. Consolidated's application further states that the program will be administered on a non-discriminatory basis.

According to Consolidated, the requested abandonment and certificate authorizations are eligible for consideration on an expedited basis because most of Consolidated's producers are, by contract, subject to shut-ins without payment. The applications state that Consolidated is currently experiencing surplus deliverability and will shut-in gas where contractually permitted. Consolidated therefore requests that the Commission follow the procedures for expedited consideration set forth in § 2.77(b) of the Commission's Regulations.

Consistent with the Commission's orders in *ANR Pipeline Company, et al.*[1] and *Pennzoil Producing Company,*[2] Consolidated states it will file quarterly reports specifying for all gas released:

(1) The FERC gas rate schedule for the applicable current sale to Consolidated, where applicable;

(2) The corresponding producing field(s) for any released gas in Louisiana and the Gulf of Mexico, and the corresponding state for any released gas in the Appalachian Basin;

(3) The NGPA category of such gas released by Consolidated;

(4) The contract price to Consolidated of such released gas ($/MMBtu);

(5) The volumes, by NGPA category, of gas released by Consolidated; and

(6) The amount of take-or-pay relief, if applicable, credited to Consolidated for each release, by NGPA price category.

Consolidated requests that the Commission obtain directly from the producers involved any desired information regarding the name of any new purchasers; the volume, by NGPA price category, of gas sold to each such new purchaser (MMBtu); and the price paid by each new purchaser for all such volumes, including a weighted average of all such prices. Because the collection and possession of such information could conceivably give rise to antitrust claims in some circumstances or allegations of improper use of sensitive information, Consolidated states that it prefers not to gather such data. Rather, Consolidated will condition its releases upon its producers supplying such information to the Commission on a quarterly basis.

Consolidated states it seeks no transportation authority by its applications. Consolidated anticipates that any transportation of released volumes will be performed under a blanket certificate issued on February 13, 1987, in Docket No. CP86-311-000, pursuant to § 284.221 of the Commission's Regulations or by individual certificate authorization in accordance with section 7(c) of the NGA.

Consoldiated states it is currently experiencing excess deliverability, and that the authorizations requested herein would provide an interim solution to this problem by permitting producers to market this surplus gas elsewhere. The blanket abandonment and sales authorizations would also assist Consolidated in negotiations with producers. In exchange for contract concessions such as price relief, Consolidated states it could agree to temporarily release surplus volumes and allow the producer-suppliers to seek alternative markets, particularly during shut-in periods. Furthermore, Consolidated states that its customers would be protected because the proposed release is temporary, and the reserves would remain dedicated to Consolidated for the long term. Consolidated's customers would also realize the benefit of having access to these released supplies. For these reasons, Consolidated submits that the instant proposals are required by the present and future public convenience and necessity. Finally, Consolidated requests that the Commission waive, to the extent necessary, its General Rules and Regulations applicable to this filing

[1] 38 FERC ¶61,046 (1987).

[2] 34 FERC ¶61,318 (1986).

in order to grant promptly the authorization and relief requested.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436–A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85–1–000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9377 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. FA84–46–001]

Iowa-Illinois Gas and Electric Co.; Order Approving Uncontested Settlement

Issued April 24, 1987.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

On October 23, 1986, the Iowa-Illinois Gas and Electric Company (Iowa-Illinois) filed an uncontested offer of settlement that woudl resolve a contested accounting matter. At issue is Iowa-Illinois' collection of estimated spent nuclear fuel disposal costs (SNFDC) through its fuel adjustment clause (FAC) without prior Commission approval.[1] On November 3, 1986, staff submitted comments in support of the offer of settlement. On Nobember 24, 1986, the presiding Administrative Law Judge certified the uncontested offer of settlement to the Commission.

Discussion

The proposed settlement agreement provides that Iowa-Illinois is not required to make refunds of the improperly collected amounts. The provisions of the settlement were evaluated on the basis of a four-part test designed to ensure that the company is not unjustly enriched by the improper collection. Under that test, Iowa-Illinois:

(1) Expressly conceded the impropriety of its collection of estimated SNFDC without specific prior Commission authorization in the form of a waiver of the FAC regulations;

(2) Demonstrated that it did not double-recover SNFDC by including the amounts in its base rates as well as in its FAC;

(3) Refunded to its customers its overcollection of SNFDC amounts owed to the Department of Energy (DOE) for fuel burned before April 7, 1983; and

(4) Demonstrated that it has reduced its rate base for computing rates paid by its wholesale customers for any time in which it held SNFDC collected before payment to DOE.

The Commission finds that the proposed offer of settlement represents a reasonable resolution of the issues and is in the public interest. Accordingly, we shall accept and approve the settlement agreement.

Our action is without prejudice to any findings or orders that have been made or may hereafter be made by the Commission, and is without prejudice to any contention that may be made by the Commission, its staff, or any other party or person affected by this order in proceedings now pending or hereinafter instituted by or against Iowa-Illinois or any other person or party. Our approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

We are aware that there may be other instances in which utilities have, without prior Commission approval,[2] included SNFDC in wholesale FAC computations.[3] Therefore, we take this opportunity to provide guidance to utilities, their customers, and our staff concerning how these other cases may be satisfactorily resolved without the need to resort to extensive and costly litigation.

The Commission has determined that the application of the four-part test discussed above should in most cases result in a just and reasonable resolution of this issue. A utility that has included SNFDC in its wholesale FAC calculations without prior Commission approval should advise the Commission of this fact within 60 days of the date of issuance of this order. The utility may propose a settlement of this issue demonstrating that the utility satisfies the four-part test. We will notice the filing. If there is no opposition from the utility's affected customers, the Commission will consider the utility's filing to be an uncontested settlement and will approve it if we find that the four-part test is met and that the settlement is no otherwise contrary to the public interest.[4]

This procedure is not intended to foreclose arguments by the utility's customers that the utility has not satisfied the four-part test or that application of the four-part test in the particular circumstances presented would not result in a just and reasonable resolution of the SNFDC issue. If objections are raised, the Commission will dispose of the SNFDC issue pursuant to the procedures set forth in Part 41 of the Commission's regulations. 18 CFR Part 41 (1986).

Further, the suggested procedure should not be interpreted as a change in the Commission's intention to insure compliance with our FAC regulations. The procedure will be limited strictly to SNFDC for permanent storage under the Nuclear Waste Policy Act of 1982. In general, any utility that has collected SNFDC through its FAC without prior approval and that does not propose a settlement within 60 days will be required to make refunds of the improperly collected SNFDC.

The Commission orders:

(A) The uncontested settlement in this docket is hereby approved.

(B) Docket No. FA84–46–001 is hereby terminated.

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[1] Iowa-Illinois Gas & Electric Company, 35 FERC ¶ 61,186 (1986).

[2] Commission approval would be in the form of an explict and specific statement by the Commission authorizing the billing of SNFDC in the FAC clause.

[3] The Iowa Electric Light and Power Company and the Bangor Hydro-Electric Company have submitted settlement agreements similar to that submitted by Iowa-Illinois. Orders will be issued concerning these proposals.

[4] This does not preclude our consideration of settlements that are based terms other than meeting the four-part test. We are simply informing utilities that if they demonstrate that the four-part test is met and their customers do not object, we shall approve the settlement, absent a showing the settlement is otherwise contrary to the public interest.

(C) The Secretary shall publish a copy of this order in the Federal Register.

By the Commission.

Louis D. Cashell,

Acting Secretary.

[FR Doc. 87-9461 Filed 4-27-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-287-000]

Mid Louisiana Gas Co.; Request Under Blanket Authorization

April 15, 1987.

Take notice that on April 14, 1987, Mid Louisiana Gas Company (Mid-La), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP87-287-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas for the Manville Sales Corporation (Manville), under Mid-La's blanket certificate issued in Docket No. CP86-214-000 pursuant to section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Mid-La proposes to transport up to 5,000 MMBtu of natural gas per day for Manville on an interruptible basis. The gas would be transported from the tailgate of the Celeron Gas Processing Plant located in Irene Field, East Baton Rouge Parish, Louisiana, to an existing interconnection between Mid-La's and Manville's facilities in Natche, Adams County, Mississippi. Mid-La stated it would charge Manville a transportation rate of 16.58 cents per Mcf as currently found in Mid-La's Rate Schedule T-1 of its FERC Gas Tariff less 3 percent of the gas received for transportation for use by Mid-La. The transportation service is for a term of one year commencing on the date of initial deliveries and continuing year to year therefter. Mid-La commenced the transportation service on January 1, 1987, pursuant to § 284.223(a)(1) of the Commission's Regulations, on a self-implementing basis for a 120-day period that will expire April 30, 1987.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9462 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. IN87-1-000]

Pioneer Production Corp.; Order Initiating Show Cause Proceeding

Issued: April 22, 1987.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

I

During a Commission staff audit in 1980, information became available which indicated that Pioneer Production Corporation (Pioneer) may have engaged in acts and transactions which constitute violations of the Natural Gas Act, 15 U.S.C. 717 *et seq.* (NGA), and the Commission regulations thereunder. Because of the nature of this information, the Enforcement section of the Office of the General Counsel has conducted an investigation of these acts and transactions pursuant to section 1b.6 of the Commission's Rules Relating to Investigations, 18 CFR Part 1b, § 1b.6, and pursuant to the Commission's November 17, 1983, Order Instituting Formal Private investigation.

II

As a result of the investigation, the following information has been reported to the Commission:

1. Pan American Production Company (Pan American), a predecessor-in-interest to Amoco Production Company (Amoco), executed a contract dated October 7, 1968, to sell "gas well gas" in interstate commerce to United Gas Pipe Line Company (United), from acreage in Jefferson Davis Parish, Louisiana (the Amoco/United Contract).

2. The Amoco/United Contract defined "gas well gas" to include, among other things, "gas produced in its natural state from a well which, if classified under the laws and rulings of the regulatory body having jurisdiction of production allowables of the state in which such well is located, is not classified an oil well. . . ."

3. On February 14, 1969, pursuant to section 7(c) of the NGA, the Federal Power Commission, the predecessor of the Federal Energy Regulatory Commission (both of which are hereinafter referred to as "Commission"), issued a certificate of public convenience and necessity in Docket No. CI69-491 covering the sale of gas by Amoco to United pursuant to the Amoco/United Contract. That certificate became effective on March 10, 1969.

4. In March 1969, Pan American commenced deliveries to United of gas produced from the South Jennings Field pursuant to the Amoco/United Contract.

5. Effective February 1, 1971, Pan American reorganized and changed its name to Amoco Production Company.

6. Amoco, by lease dated August 10, 1973, granted certain oil and gas rights in a portion of the acreage located in the Jefferson Davis Parish and covered by the Amoco/United Contract to D. D. Harrington (the Harrington Acreage).

7. D. D. Harrington assigned part of his interest in the Harrington Acreage to Pioneer in 1973.

8. In 1974 the acreage containing the Harrington Acreage was named "the Jennings Townsite Field."

9. Pioneer executed a contract dated April 1, 1974, to sell in intrastate commerce to Continental Oil Company, a predecessor-in-interest to Conoco Inc. (both of which are hereinafter referred to as "Conoco"), gas produced from certain acreage in the Jennings Townsite Field, including the Harrington Acreage (the Pioneer/Conoco Contract).

10. Pioneer notified Amoco, by letter dated May 22, 1974, of the terms of the Pioneer/Conoco Contract.

11. Amoco, by letter dated June 20, 1974, informed Pioneer that it was Amoco's position that the Harrington Acreage was dedicated to interstate commerce by virtue of the Amoco/United Contract and the certificate issued in 1969 by the Commission in Docket no. CI69-491.

12. Amoco also informed Pioneer, by letter dated June 20, 1974, that before any sales could be made to Conoco, the Commission would have to authorize Pioneer to abandon service to United and that, since United was in a curtailment situation, the Commission would not likely grant abandonment.

13. Pioneer, without seeking or obtaining prior Commission approval pursuant to section 7(b) of the NGA, 15 U.S.C. 717f(b), for the abandonment of service to United, commenced selling gas to Conoco from the Jennings Townsite Field in September 1974.

14. At the time Pioneer commenced deliveries, the Louisiana Department of Conservation (LDC), the regulatory body having jurisdiction over production allowables in the State of Louisiana, had classified the following five formations

in the Jennings Townside Field as gas units: Cam 1 Sand; Can 3 Sand; Hayes Sand; Marg Vag Sand; and Marg Howel Sand (referred to collectively as the "Five Units"). Later the LDC also classified the lower Marg Vag Sand as a gas unit. Each of the six units contained Harrington Acreage.

15. United, by letter dated October 23, 1974, informed Pioneer that gas being sold to Conoco attributable to the Harrington Acreage was dedicated to United and that United was claiming its right to the gas.

16. Between September 1974 and November 1976, Pioneer sold to Conoco all gas well gas produced from the Five Units.

17. From September 1974 through November 1976 Pioneer charged and collected a higher rate for gas sold from the Five Units to Conoco than Pioneer would have have permitted to collect under the Amoco/United Contract.

18. On April 28, 1976, Pioneer executed a contract to sell to United gas produced from, among other areas, the Harrington Acreage (the Pioneer/United Contract).

19. The Pioneer/United Contract stated that the acreage covered by the contract was subject to the Amoco/United Contract of October 7, 1968, and that the prior contract was thereby superseded to the extent of Pioneer's interest in the acreage.

20. On June 14, 1976, Pioneer filed an application with the Commission in Docket No. CI76–603 for a certificate of public convenience and necessity pursuant to section 7(c) of the NGA covering the sale by Pioneer to United under the Pioneer/United Contract.

21. Pioneer stated in its certificate application in Docket No. CI76–603 that it was seeking authorization for initial service.

22. Pioneer also stated in its application that no predecessor-in-interest of Pioneer had any interest in or made any sale of the gas covered by the application.

23. Although the Pioneer/United Contract, which made reference to the Amoco/United Contract, was attached to its application, Pioneer did not state in the body of its application that the acreage was covered by a contract which had previously been certificated by the Commission in Docket No. CI69–491.

24. Pioneer did not tell the Commission in 1976 that it was going to repay United for volumes of gas produced from the Harrington Acreage which Pioneer had sold to Conoco from September 1974 to November 1976.

25. On August 27, 1976, the Commission, in Docket No. C176–603, issued a certificate of public convenience and necessity to Pioneer for the sale of gas under the Pioneer/United Contract. That certificate became effective on September 13, 1976.

26. From December 1976 to the present, Pioneer has continued to sell gas from three of the six units, but has sold none of the gas produced from those units to United.

27. On information and belief, Pioneer has sold the gas produced from the three units described in ¶ 26 at prices which have exceeded the rates and prices which Pioneer would have been permitted to collect from United under the Amoco/United Contract.

28. Pioneer has not at any time sought or received Commission authority to abandon sales of gas to United from any of the six units.

III

The Commission neither makes findings of fact nor reaches conclusions of law with regard to the foregoing acts and practices. However, the facts set forth in section II of this order, if true, indicate that Pioneer may have committed the following violations.

A. By selling to purchasers other than United, gas production attributable to the Harrington Acreage without first obtaining abandonment authorization, Pioneer may have violated section 7(b) of the NGA.

B. By selling gas production attributable to the Harrington Acreage through November 30, 1978, at rates higher than it would have been able to collect for the gas under the Amoco/United Contract, Pioneer may have violated section 4(a) of the NGA, 15 U.S.C. 717c(a).

C. By selling gas production attributable to the Harrington Acreage since December 1, 1978, at prices higher than those it would have been permitted to collect under the Amoco/United Contract, Pioneer may have violated section 504(a)(1) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3414(a)(1).

The Commission finds:

Good cause exists for requiring, and the public interest in administering the NGA and the NGPA demand, that Pioneer show cause as to the following: Why Pioneer should not be found to have violated sections 4(a) and 7(b) of the NGA, section 504(a) of the NGPA, and the Commission's regulations thereunder, as a result of the acts and transactions described herein; why the Commission should not order any or all appropriate remedies; and why Pioneer should not be required to seek abandonment authorization with respect to sales of gas from units reclassified by the LDC for gas to oil.

The Commission orders:

(A) Pursuant to § § 385.209(a)(2) and 385.502(a) of the Commission's rules of practice and procedure, 18 CFR 385.209(a)(2) and 385.502(a), Pioneer shall show cause why it should not be found to have violated sections 4(a) and 7(b) of the NGA, and section 504(a) of the NGPA, and the Commission's regulations thereunder, as a result of the acts and transactions described herein and why the Commission should not order any or all appropriate remedies.

(B) Pioneer's answer to this order shall be filed pursuant to Rule 213 of the Commission's rules of practice and procedure, 18 CFR 385.213, in writing and under oath on or before 30 days after the date of this order. Accordingly, Pioneer shall admit or deny, specifically and in detail, each allegation set forth in section II of this order and shall set forth every defense relied upon. Pioneer shall serve a copy of its answer directly on Enforcement staff simultaneously with its filing with the Commission.

(C) Pursuant to sections 4, 7, 15 and 16 of the NGA, sections 501, 502 and 504 of the NGPA and Rule 601 of the Commission's Rules of Practice and Procedure, 18 CFR 385.601, a prehearing conference shall be convened in this proceeding in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, at a date and time to be established by the Chief Administrative Law Judge. Respondents should be fully prepared, as set forth in Rule 601(b) of the Commission's rules of practice, 18 CFR 385.601(b), to discuss any and all matters to be considered at the conference.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the prehearing conference in this proceeding, with authority to establish the hearing date, to establish and change procedural dates and to rule on motions, all as provided for in the Commission's rules of practice and procedure, 18 CFR Part 385. The designated Administrative Law Judge shall conduct the hearing pursuant to 18 CFR 385.501 *et seq.*, shall have all authority delegated by 18 CFR 385.504, and shall render a decision pursuant to 18 CFR 385.708.

(E) Petitions for intervention shall be filed no later than 35 days after the date of this order.

(F) Since many of the facts pertinent to the issues in this case are within the particular knowledge of Pioneer, Amoco

and/or United and/or their employees and agents, Enforcement staff shall be permitted liberal discovery in this proceeding.

(G) For the purposes of this order:

(1) "Documents" refers to the originals of all writings and records of every type in the possession, control, or custody, of the person from whom the documents are requested, including but not limited to: Testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, interemdiate, and final reports), surveys, analyses, studies (including economic and market studies), summaries comparisons tabulations, charts, books, pamphlets, photographs, maps, sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, workpapers, engineering diagrams (including "one-line" diagrams), mechanical and electrical recordings, telephone and telegraphic communications, speeches, and all other records, written, electrical mechanical, or otherwise and drafts, attachments or appendices of any of the above;

(2) "Documents" includes copies of documents, where the originals are not in the possession, custody, or control of the person from whom the documents are requested;

(3) "Documents" includes every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copies;

(4) If any information or documents requested is withheld by reason of a claim of privilege or any other reason, please state the basis upon which the document or information is withheld and provide the following information with respect to each document or piece of information withheld:

(a) Identify the document or information;

(b) If a document is involved, identify such document in accordance with (7)(a) below, and identify those persons who saw the document in accordance with (7)(b) below; and

(c) Indicate the date of the document or information.

(5) If the attorney-client privilege is claimed:

(a) Identify the attorney and client involved (if the client is not a natural person, identify the person(s) sending or receiving each document or piece of information on behalf of the client);

(b) Indicate whether the communication (as defined in (6) below) claimed to be privileged was made by the attorney or by the client;

(c) Indicate who was present when the communication was made, and, if a document is involved, where and how it is filed within the attorney's and client's offices;

(d) Indicate whether the document or information has been communicated to any person othe than the attorney and client involved (if yes, identify such third person by name and relationship to the client and the attorney, and indicate the date of such communication);

(e) If the privileged portion of the document or information is capable of being excised, so that the remainder is no longer privileged, then produce the non-privileged portion(s) of the document or information;

(f) Indicate whether a retainer agreement between the client existed at the time of the communication, and if yes, the date of such agreement; and

(g) Indicate the period of time during which the attorney-client relationship existed.

(6) "Communication(s)" includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, and correspondence, and all memoranda concerning the requested communication.

(7) "Identification", "identify" and "identity":

(a) When used with respect to a document, includes (but is not limited to) stating the nature of the document (*e.g.*, letter, memorandum, corporate minutes), the date, if known, on which the document was prepared, the title of the document, the general subject matter of the document, the number of pages in the document, the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document, the identity of each person who signed or initialed the document, the identity of each person to whom the document was addressed, the location of the document, and the identity of the person having possession, custody, or control of the document. Identification of a document includes identifying all documents known or believed to exist whether or not they are in the custody of the person to whom the request is made;

(b) When used with respect to a person, includes stating (i) his, her or its full name, (ii) his, her or its present title and position, (iii) his, her, or its present address (including zip code) and telephone number (including area code), if the present address and/or telephone number are unknown, the last known address and telephone number; (iv) his, her or its present and prior connections or associations with the person to whom the request is made; (v) the capacity of the person (whether individual, partnership, corporation or otherwise); and (vi) if such person is a corporation or a partnership, and if such information is known or within the possession or control, of the person to whom the request is made, the identity of every current partner, joint venturer, stockholder, director, or officer;

(8) Identify the person responsible (whether directly or indirectly) for preparing and providing each response. In addition, identify the person from whom the information or documents were obtained, the files searched in responding to each request, and the person who reviewed the response; and

(9) The responses should be accompanied by a sworn affidavit in which an authorized official of the person to whom the request is made certifies that the information and documents provided constitute a complete and accurate response to all requests.

(H) Pioneer shall, within 45 days after the date of this order, produce to Enforcement staff:

1. Documents sufficient to show when and how it acquired rights to the Harrington Acreage sufficient for it to drill wells in, and to sell natural gas from that acreage in 1974, and the nature of the rights which Pioneer acquired.

2. Documentation of the assignment of oil and gas interests from D.D. Harrington to Pioneer dated sometime in 1973.

3. The spud dates(s) and vintages of each well from which gas was sold to Conoco from the Harrington Acreage from 1974 to 1976.

4. Documents sufficient to show the small producer/large producer split for the Harrington Acreage dedicated to United for the period 1974 to 1976.

5. Documents sufficient to show the amount paid per MMBtu, with break outs for any adjustments such as Btu, taxes, etc., by Pioneer to Amoco, by month, for the gas Pioneer sold to Conoco from 1974 to 1976.

6. All documents provided to United during a November 21, 1974, meeting between Pioneer and United to discuss resolution of the dedication issue.

7. The Louisiana Department of Conservation orders which changed the classifications set forth in Louisiana Department of Conservation Order Nos. 929–A and 929–E.

8. A copy of the abandonment application filed by Pioneer to request authorization to abandon service to United resulting from the reclassification of the gas units.

9. Produce and identify the following documents:

(a) Supplemental Tract Freeze Agreement, Cam 2 RA SUA, dated July 8, 1975, by and between Amoco Production Corporation and Pioneer Production Corporation, *et al.*

(b) Amendment to Gas Purchase Contract dated August 19, 1975, by and between Continental Oil Company and Pioneer Production Corporation, *et al.*

(c) Letter Agreement dated June 26, 1975, between Amoco Production Company and Pioneer Production Corporation, *et al.* (re: classification of oil and gas reservoirs).

(d) Letter Agreement dated June 26, 1975, between Amoco Production Company (re: dedication under United Contract).

(e) Letter Agreement dated July 7, 1975, between Amoco Production Corporation, *et al.* (re: dedication of gas to United Contract and recognition of ownership of Hayes Sand under Amoco tract).

(f) Unit Agreement dated September 1, 1974, between Pioneer Production Corporation *et al.* unitizing the Cam 2 Sand, Reservoir A.

(g) Unit Agreement dated, 5–1–75 between Pioneer Production Corporation, *et al.*, unitizing the Marg Vag Sand, RA, Lower Marg Vag Sand RA, Marg Howei Sand RA, Cam 1 Sand RA, Cam 3 Sand RA.

(h) Letter Agreement dated December 6, 1973, between D.D. Harrington and Amoco Production Company amending lease dated August 10, 1973.

(i) Recording Supplement to Gas Purchase Contract dated April 28, 1976, between United Gas Pipe Line Company and Pioneer Production Corporation.

(j) Joint Operating Agreement dated May 15, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Marg Howei Unit).

(k) Joint Operating Agreement dated May 15, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Cam 1 RA Unit).

(l) Joint Operating Agreement dated May 15, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Camerina III Unit).

(m) Joint Operating Agreement dated July 9, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating Marg Vag Unit).

(n) Joint Operating Agreement dated July 9, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Hayes Sand RA).

(o) Joint Operating Agreement dated December 6, 1974, between Pioneer Production Corporation and partners (pertaining to operating the Camerina 2 Unit).

(p) Joint Operating Agreement dated April 1, 1975, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Lower Hayes Unit).

(q) Joint Operating Agreement dated September 1, 1975, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Marg Vag; Lower Marg Vag; Marg Howei, Camerina 1 and Camerina 3 Units).

(r) Joint Operating Agreement dated February 1, 1976, between Pioneer Production Corporation and partners (pertaining to operating the Cib Haz Unit).

(s) Surface Lease and Right-of-Way Agreement dated May 23, 1974, between Amoco Production Company and Pioneer Production Corporation.

10. Documents sufficient to show the volumes delivered and the amounts paid to Pioneer, by MMBtu, with break outs for any adjustments such as Btu, taxes, etc. by Conoco, or any other intrastate purchaser, for gas sold from each of the three reclassified units, by month, from 1976 to the present.

11. Documents sufficient to show the percentage of each of the seven units as of each classification or reclassification, which Amoco's fee acreage comprised of the whole acreage in the unit.

12. The spud dates and vintages of each well on each of the reclassified units from 1976 to the present.

(l) Docket No. IN84–2–000 is hereby terminated.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9463 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST83–326–002 et al.]

Western Gas Supply Company et al.; Extension Reports

April 15, 1987.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue sales of natural gas for an additional term of up to 2 years.[1]

The table below lists the name and addresses of each company selling pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension reports should on or before May 1, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any peson wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[1] Notice of these extension reports does not constitute a determination that a continuation of service will be approved.

EXTENSION LIST

[March 16–31, 1987]

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date [2]
ST83–326–002 [1]	Western Gas Supply Co., 500 Prudential Plaza, 1050 17th St., Denver, CO 80265.	Mountain Fuel Resources, Inc...	3–26–87	D	4–06–87	6–24–87

EXTENSION LIST—Continued

[March 16–31, 1987]

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date [2]
ST85–1608–001	Producer's Gas Col, 6688 Noeth Central Expressway, Suite 1600, Dallas, TX 75206.	Southern California Gas Co.....	3–17–87	D	6–29–87	.....

[1] This extension report was filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.

[2] The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.

[FR Doc. 87–9464 Filed 4–24–87 8:45 am]
BILLING CODE 6717–01–M

[Project No. 3449–006]

City of North Little Rock, AR; Application To Amend License

April 20, 1987.

Take notice that the City of North Little Rock, Arkansas requested on June 23, 1986, that the Commission approve amendment of its license to allow realignment of the primary transmission line for the Murray Lock and Dam Project No. 3449. The approved 115-kV transmission line alignment from the project site would cross the Arkansas River to an existing Arkansas Power and Light Company 115-kV line. The revised transmission line alignment would consist of a line 5.9 miles long from the project site through a portion of Burns Park, private property, federal property, and the City of North Little Rock, connecting directly to one of the City's delivery points.

The license for Project No. 3449 was issued on August 17, 1983, and would expire on July 31, 2023. The project is located on the Arkansas River in Pulaski County, Arkansas.

Correspondence with the applicant should be directed to: Mayor Terry C. Hartwick, City of North Little Rock, P.O. Box 5757, North Little Rock, Arkansas 72119. Phone: (501) 374–2233.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rule 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or motion to intervene must be filed on or before May 20, 1987.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST, OR "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: William C. Wakefield II, Acting Director, Division of Project Management, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the applicant specified in the third paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9380 Filed 4–24–87; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP87–57–000]

Northern Natural Gas Co., Division of Enron Corp.; Tariff Filing

April 20, 1987.

Take notice that on April 15, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern) tendered for filing to become a part of its FERC Gas Tariff, Third Revised Volume No. 1:

Sixth Revised Sheet No. 17
Second Revised Sheet No. 24b

These pages consist of revisions to Paragraph 6.23 of Northern's CD–1 and CDO–1 Rate Schedules to allow for group billing of the commodity rate at the rate zone in which the excess volumes are delivered rather than the rate zone in which the excess volumes originated.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 27, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9384 Filed 4–24–87; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CI87–494–000]

Snyder Oil Co.; Application for Permanent Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

April 20, 1987.

Take Notice that on April 13, 1987, Snyder Oil Company (Applicant), whose address is SOCO Plaza, 7th Floor, 1800 Glenarm Place, Denver, Colorado 80802, filed an application pursuant to section 7(b) of the Natural Gas Act, § 157.30 of the Regulations, and section 2.77 of the Statements of Policy, for authorization to permanently abandon the sale to Northwest Pipeline Corporation (Northwest) of NGPA section 104 post-1974, biennium, and replacement contract gas and 109 gas from Carbon and Sweetwater Counties, Wyoming, which production had been dedicated to Northwest by Applicants' predecessors-in-interest under a contract dated April 1, 1983. As grounds for the requested abandonment, Applicant states that

production from the affected wells (ten in number, having a total daily deliverability of about 1,750 Mmbtu's) has been substantially reduced without payment. Applicant also requests pregranted abandonment authority for a period of three (3) years for any sales for resale in interstate commerce of this gas which Applicant may make following abandonment of the sale to Northwest. Applicant proposes to market said gas in the spot market at a price that does not exceed the maximum lawful price. Jurisdictional sales will be made by Applicant under its existing small producer blanket certificate in Docket No. CS73–80.

The circumstances presented in this application meet the criteria for consideration on an, expedited basis, pursuant to section 2.77 of the Commission's Rules as promulgated by Order Nos. 436 and 436–A, issued October 9 and December 12, 1985, respectively, in Docket No. RM85–1–000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the Federal Register, file with the Commission a petition to intervene or, a protest in accordance with the requirements of the Commission s Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedures herein provided for, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9381 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CI87–247–000, CI87–248–000, and CP87–178–000]

Texaco, Inc. and Texaco Gas Marketing Co. and Texas Gas Transmission Corp.; Informal Technical Conference

Issued: April 20, 1987.

Take notice that an informal technical conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on April 30, 1987, at 10:00 a.m. in the above captioned matters. In Docket No. CI87–247–000, Texaco, Inc. (Texaco) filed pursuant to section 7(b) of the Natural Gas Act (NGA), for permanent abandonment of certain gas dedicated to Texas Gas Transmission Corporation (Texas Gas). In Docket No. CI87–248–000 Texaco and Texaco Gas Marketing Company (TGMC) applied, pursuant to section 7(c) of the NGA, for a limited-term blanket sales certificate with pre-granted abandonment for the gas abandoned by Texaco. Finally, Texas Gas is seeking, in Docket No. CP87–178–000, a certificate of public convenience and necessity, pursuant to section 7(c) of the NGA, to transport gas for Texaco and its subsidiaries on terms negotiated by Texaco and Texas Gas as part of a settlement agreement. Any issue associated with the applications can be discussed. Particular attention should be given to those issues raised by the intervenors who requested the technical conference.

All parties to this proceeding, the Commission staff, and interested members of the public are invited to attend. However, mere attendance at the conference will not confer party status. Any person wishing to become a party to this proceeding must file a motion to intervene in accordance with Rule 214 of the Commission's rules of practice and procedure.[1]

FOR FURTHER INFORMATION CONTACT:

Arthur W. Iler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, (202) 357–5275.

Michael J. McGehee, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, (202) 357–8232.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9385 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP87–40–001]

Western Transmission Corp.; Compliance Filing

April 20, 1987.

Take notice that on April 13, 1987, Western Transmission Corporation (Western) tendered for filing to its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets pursuant to the Commission's order issued March 20, 1987 in the above-referenced proceeding:

First Revised Original Sheet No. 1 Original Sheet No. 1A
First Revised Original Sheet No. 4–B
First Revised Original Sheet No. 18 Original Sheet No. 18AA
Original Sheet Nos. 94 through 119

The March 20, 1987 order required Western to file (1) tariff sheets setting forth operating terms and conditions governing its transportation service and (2) a revised tariff sheet OAT–1 eliminating the use-or-lose provision.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 27, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9386 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI87–395–000]

Williams Natural Gas Co.; Application To Abandon Purchases

April 21, 1987.

Take notice that on March 26, 1987, Williams Natural Gas Company (Applicant), formerly Northwest Central Pipeline Corporation, P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CI87–395–000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving abandonment of certain gas subject to the Natural Gas Act purchased from Hamm Production Company, Metro-Crane, Inc., J. S. Aviation, Inc. and Farrar Oil Company (Hamm Interest), located in Garfield, Kingfisher, Major and Blaine Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Applicant states that the Hamm Interest was obtained through an assignment of certain interests in acreage covered by three gas purchase contracts with Applicant dated August

[1] 18 CFR 385.214 (1986).

4, 1967, September 19, 1969, and March 10, 1971.

Applicant recently terminated its gas purchase contracts with the Hamm Interest as a result of the Hamm Interest's refusal to accept the price proposed by Applicant pursuant to the "economic out" provision in the gas purchase contracts. The abandonment of gas subject to the Commission's Natural Gas Act jurisdiction will permit the Hamm Interest's gas to be sold to other parties. Applicant states that each of the subject contracts has been amended from time to time with the latest amendment being dated November 21, 1979. The amended "Term" section of the November 21, 1979, Amendment reads as follows:

This Agreement shall remain in full force and effect from the date of final execution of the aforementioned Gas Purchase Contracts and shall extend for a period of twenty years from the date of first delivery of gas thereunder and as long thereafter as gas can be delivered in commercial quantities. *Buyer shall not be obligated to continue purchasing gas when such purchases are determined to be uneconomical in Buyer's sole judgment. (Emphasis added.)*

In 1986, Applicant states it notified the Hamm Interest of the price which it could economically pay for the gas it purchased and, further that unless the Hamm Interest would agree to reduce the purchase price of gas covered by the contracts to Applicant's economic price per MMBtu, then pursuant to Applicant's contractual rights and powers, Applicant would cease purchasing the gas and terminate the contracts as to the Hamm Interest on November 23, 1986. Applicant states that despite numerous discussions and meetings, Applicant and the Hamm Interest were unable to agree on a price which was economical to Applicant and, therefore, Applicant notified the Hamm Interest that effective November 23, 1986, it was electing to cease purchases of gas (except that gas requiring abandonment authorization from the FERC would be purchased until such abandonment authorization was granted) and terminate the contracts as to the Hamm Interest. On November 20, 1986, Applicant states it filed a petition against the Hamm Interest in Oklahoma State District Court seeking a declaration of its contractual right to cease uneconomic purchases of natural gas and to terminate contracts as to the Hamm Interest. Applicant states it has represented to the Court that pending the outcome of the abandonment proceedings pursuant to the Natural Gas Act Applicant will continue to take the gas at issue and will pay the highest price compatible with the economic operation of Applicant's pipeline.

Applicant further states that the Commission has the authority to grant to Applicant the abandonment of Applicant's purchases of gas from the Hamm Interest. See *United Gas Pipe Line Company v. Federal Power Commission*, 385 U.S. 83 (1966) and *Panhandle Eastern Pipe Line Company v. Federal Energy Regulatory Commission*, 803 F.2d 726 (D.C. Circuit, 1986). Applicant also states that the present and predicted connected deliverability of Applicant's gas suppliers substantially exceeds Applicant's projected market for gas. See *Northwest Central Pipeline Corporation*, Docket Nos. CI86-594-000 and CI86-596-000 issued on February 20, 1987. Furthermore, Applicant states that its purchases of gas from the Hamm Interest in calendar year 1986 amounted to only 947,467 Mcf (approximately 2,596 Mcf per day). Applicant further states that it is not seeking to abandon any facilities in this application, thus there are no reclaim costs associated with the abandonment. Facilities are being retained so that the Hamm Interest's gas may be gathered and transported to or for other purchasers after the abandonment of Applicant's purchase of the Hamm Interest gas is granted.

Based on the foregoing considerations, Applicant submits that this proposal is reasonable and required by the present and future public convenience and necessity and should be approved.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9382 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Project N. 3412-005]

The City of Oxford, KS; Surrender of Exemption From Licensing

April 20, 1987.

Take notice that the City of Oxford, Kansas, exemptee for the Oxford Mill Project No. 3412, requested by letter filed March 24, 1987, that its exemption be terminated. No construction of project works has been performed, and no conditions are needed concerning the disposition of project works and restoration of project lands under § 4.95(d) of the Commission's regulations.

The exemption for Project No. 3412 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9400 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, Eximbank has submitted a proposed application to be used under the Bank's medium and long terms loans and guarantee programs.

Purpose: The proposed application is to be used by applicants when applying for Eximbank's services under its medium and long term loans and guarantees programs. The application will serve as a mechanism by which Eximbank can evaluate creditworthiness of applicants, to find reasonable assurance of repayment, and to assure that relevant statutory programs and requirements are met. Affected public could be a commercial bank, provider of commercial credit or other public or private creditor. Form 87-14 replaces 73-1 and 73-2.

SUMMARY: The following summarizes the information collection submitted to OMB:

(1) Type of request: revised.
(2) Number of forms submitted: One.
(3) Form number: EIB 87–14.
(4) Title of information collection: Medium- and Long-Term Export Loans and Guarantees Application.
(5) Frequency of use: Submission of application.
(6) Respondents: commercial banks, providers of commercial credit or other public or private creditors.
(7) Estimated total number of annual responses: 500.
(8) Estimated total number of hours needed to fill out the form: 250.

Additional Information or Comments

Copies of the proposed application may be obtained from Helene Wall, Agency Clearance Officer (202) 566–8111. Comments and questions should be directed to Francine Picoult, Office of Management and Budget, Information and Regulatory Affairs, Room 3235, New Executive Office Building, Washington, DC 20503, (202) 395–7340. All comments should be submitted within two weeks of this notice; if you intend to submit comments but are unable to meet this deadline, please advise Francine Picoult by telephone that comments will be submitted late.

Date: April 20, 1987.

Helene H. Wall,

Agency Clearance Officer.

[FR Doc. 87–9397 Filed 4–24–87; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–790–DR]

Major Disaster and Related Determinations; Massachusetts

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Massachusetts (FEMA–790–DR), dated April 18, 1987 and related determinations.

DATED: April 18, 1987.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice

Notice is hereby given that, in a letter of April 18, 1987, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the Commonwealth of Massachusetts resulting from severe storms and flooding beginning on or about April 2, 1987, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the Commonwealth of Massachusetts.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Warren Pugh of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Massachusetts to have been affected adversely by this declared major disaster and are designated eligible as follows:

Berkshire, Essex, Franklin, Hampshire, Middlesex, Norfolk, and Worchester Counties for Individual Assistance.

Berkshire, Franklin, and Hampshire Counties as well as the specific communities of Fitchburg, Ashburnham, Templeton, and Leominster in Worcester County; Lawrence, Haverhill, Groveland, and Andover in Essex County ; and Chelmsford and Tyngsborough in Middlesex County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director.

[FR Doc. 87–9390 Filed 4–24–87; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–595]

First Federal Savings and Loan Association of Thomson, Thomson, GA; Final Action Approval of Conversion Application

Dated: April 21, 1987.

Notice is hereby given that on April 15, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings and Loan Association of Thomson, Thomson, Georgia for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Atlanta, 1475 Peachtree Street NE., Atlanta, Georgia 30309.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87–9427 Filed 4–24–87; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Claims Collection; Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Service's claims collection regulation (45 CFR Part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register.**

The Secretary of the Treasury has certified a rate of 14.125% for the quarter

ended March 31, 1987. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: April 22, 1987.

Dennis J. Fischer,

Deputy Assistant Secretary, Finance.

[FR Doc. 87-9444 Filed 4-24-87; 8:45 am]

BILLING CODE 4150-04-M

Health Care Financing Administration

[BERC-449-NR]

Medicare Program; Inclusion of Labor/Delivery Room Days in the Calculation of Inpatient Days

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of HCFA ruling.

SUMMARY: This notice announces a Ruling concerning the disposition of provider claims pending in court or that could be filed within the jurisdictions of the courts of appeals for the Sixth, Eighth, Ninth, and District of Columbia Circuits with respect to the treatment of labor/delivery room days in the apportionment of general routine services costs. Since all providers ordinarily can obtain judicial review in the District of Columbia, this ruling has broad application.

EFFECTIVE DATE: This Ruling is effective April 9, 1987.

FOR FURTHER INFORMATION CONTACT:

Paul Trimble, Cost Apportionment, (301) 594-8343.

Charles Schreibeis, Cost Report Settlement, (301) 594-8431.

SUPPLEMENTARY INFORMATION: We compile and publish all HCFA Rulings and index them for citation purposes. Since July 1986, Rulings are distributed by HCFA in loose leaf format directly to Federal and State employees who administer or are involved in appeals under Medicare or Medicaid, and to the contractors who implement the programs. In addition, as provided by 42 CFR 401.108, HCFA Rulings may be published in the Federal Register as notices. This Ruling has been designated as HCFAR 87-3. The text of the Ruling is as follows:

Validity of Provider Reimbursement Manual Section 2345 Relating to the Inclusion of Labor/Delivery Room Days in the Calculation of Inpatient Days

Purpose: This Ruling announces HCFA's determination to follow the holdings of the courts of appeals for the Sixth, Eighth, Ninth, and District of Columbia Circuits with respect to claims that have been filed or could be filed within the jurisdiction of those circuits with respect to the validity of the labor/delivery room policy.

Citations: Section 1861(v) of the Social Security Act (42 U.S.C. 1395x(v)); 42 CFR 413.53; Provider Reimbursement Manual section 2345.

Pertinent History: The labor/delivery room policy, which it set forth in section 2345 of the Provider Reimbursement Manual, has been the subject of a substantial amount of litigation. This policy required that patients in a hospital's labor or delivery room at the census-taking hour be included in the inpatient count used to determine Medicare reimbursement for a hospital's general routine costs. The apportionment for general routine services is arrived at by multiplying the number of Medicare patient-days by the average per diem cost for all general routine services. The per diem figure is, in turn, computed by dividing total allowable routine costs by total inpatient days for the fiscal year. 42 CFR 413.53. Manual section 2345 clarifies this calculation by requiring that patients located in a hospital's labor or delivery room, or in any other ancillary area, at the midnight census-taking hour be included in the count of total inpatient days for purposes of calculating the per diem cost of routine care.

Viewed in isolation, the policy of counting patients in labor and delivery rooms as inpatients advantages Medicare because of the relatively small number of maternity patients who are Medicare beneficiaries. Other accounting and allocation conventions disadvantage Medicare, however, because of different patient and cost distributions. These variations tend to average out and in the aggregate result in a proper allocation of Medicare and non-Medicare costs. The issue in the litigation has been the extent to which these general averaging principles authorize the labor/delivery room policy.

The validity of the policy has been considered by the courts of appeals in eight judicial circuits. In each of the cases the court declined to uphold the policy based on the evidence in the record before it. The courts did, however, offer HCFA the opportunity to justify the policy with additional evidence demonstrating that the advantages to Medicare from the labor/delivery room policy were offset by disadvantages from other allocation policies. The courts divided into two groups on what the additional evidence would have to show.

Half of the courts established a strict test that the additional evidence would have to meet to validate the labor/delivery room policy. These courts—the Sixth, Eighth, Ninth, and District of Columbia Circuits—held that the additional evidence necessary to justify the policy would have to identify cost distortions disadvantaging Medicare in other hospital ancillary areas that offset the advantage to Medicare resulting from the labor/delivery room policy.[1]

HCFA cannot adduce evidence that meets the strict test established by these courts.

The other courts of appeals that considered the labor/delivery room policy allowed the agency much broader latitude to prove through additional evidence that there are cost allocation distortions adverse to Medicare that offset the effects of the labor/delivery room policy.[2]

Accordingly, HCFA has introduced evidence in new cases at the administrative level that demonstrates such an effect.

The initial decision in the District of Columbia Circuit, which adopted the strict test of what the additional evidence would have to prove, was ambiguous. The decision was not clear as to whether adoption of the strict test was based on the failure to raise the issue at the administrative level in that particular case, or whether the court was announcing a general principle that would apply in all cases. Recently the district court for the District of Columbia has interpreted the court of appeals' decision as intended to apply the strict test in all cases.[3]

We have determined to accept the district court's interpretation of the D.C. Circuit's prior holding. Consequently, there are four circuits in which the courts have established an evidentiary standard with respect to the validity of the labor/delivery room policy that we are unable to satisfy. The purpose of this Ruling is to announce our acquiescence in those decisions within the jurisdiction of the relevant circuits. We will dispose of claims pending in those circuits, or that could be filed in those circuits, by

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[1] *University of Michigan* v. *Bowen*, No. 86-1816 (6th Cir. Feb. 26, 1987); *Sioux Valley Hospital* v. *Heckler*, 792 F. 2d 715 (8th Cir. 1986); *Mount Zion Hospital and Medical Center* v. *Heckler*, 758 F.2d 1346 (9th Cir. 1985); *International Philanthropic Hospital* v. *Heckler*, 724 F. 2d 1368 (9th Cir. 1984); *St. Mary of Nazareth Hospital Center* v. *Heckler*, 760 F. 2d 1311 (D.C. Cir. 1985); *St. Mary of Nazareth Hospital Center* v. Schweiker, 718 F. 2d 459 (D.C. Cir. 1983).

[2] T3 Central DuPage Hospital v. *Heckler*, 761 F. 2d 354 (7th Cir. 1985); *Community Hospital of Roanoke Valley* v. *Heckler*, 770 F. 2d. 1257 (4th Cir. 1985); *Beth Israel Hospital* v. *Heckler*, 734 F. 2d. 90 (1st Cir. 1984); *Tarrant County Hospital District* v. *Heckler*, No. 83-1483 (5th Cir. 1984).

[3] Stormont-Vail Regional Medical Center v. *Bowen*, No. 85-4011 (D.D.C. Sept. 25, 1986).

excluding labor/delivery room days from the calculation of inpatient days for the hospitals and cost years affected. Since all providers can ordinarily obtain judicial review in the District of Columbia, this policy applies to all claims still at the administrative level, unless a court remand order or statutory provision necessitates that judicial review be sought elsewhere than in one of the four affected circuits, or unless the provider states that it intends to seek judicial review elsewhere.[4]

Pursuant to this Ruling, Medicare fiscal intermediaries will determine the amounts due and make appropriate payments through normal procedures. Claims, must, of course, meet all other applicable requirements. This includes the requirement for data adequate to document the claimed costs. As the intermediaries may require, hospitals must furnish appropriate documentation to substantiate the number of days claimed (see section 1815(a) of the Social Security Act and 42 CFR 413.20, 413.24(a), (c)). Claims that are not disclosed on the cost report or an accompanying document (claims based on so-called "self-disallowed" costs) are not eligible for payment and remain ineligible under this Ruling.[5]

Ruling: In the case of otherwise proper claims made by providers that can obtain judicial review of those claims in the Sixth, Eighth, Ninth, or District of Columbia Circuits, the labor/delivery room policy set forth in section 2345 of the Provider Reimbursement Manual will not apply, and reimbursement will be determined by excluding labor/delivery room days from the calculation of inpatient days.

Dated: April 9, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-9432 Filed 4-24-87; 8:45 am]

BILLING CODE 4120-01-M

[4] Our acquiescence in this instance respecting providers who could bring suit within the D.C. Circuit should not be viewed as an indication that any D.C. Circuit ruling on a Part A Medicare provider claim automatically results in a change in national Medicare policy. See generally *United States* v. *Stauffer Chemical Co.*, 464 U.S. 165 (1984).

[5] *Athens Community Hospital Inc.* v. *Schweiker*, 686 F.2d 980 (D.C. Cir. 1982), revised 743 F.2d 1 (D.C. Cir. 1984); *St. Mary of Nazareth Hospital* v. *Schweiker*, 741 F.2d 1447 (D.C. Cir. 1984); *Community Hospital of Roanoke Valley* v. *Heckler*, 770 F.2d 1257 (4th Cir. 1985); *Baptist Hospital East* v. *Bowen*, 802 F.2d 860 (6th Cir. 1986); *North Broward Hospital District* v. *Bowen*, No. 85-6039 (11th Cir. Jan. 17, 1987); *University of Cincinnati* v. *Bowen*, 809 F.2d 307 (6th Cir. 1987).

[BERC-450-NR]

Medicare Program; Provider Reimbursement Review Board Jurisdiction Over Challenge to Apportionment of Malpractice Insurance Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of HCFA ruling.

SUMMARY: This notice announces a HCFA Ruling relating to the jurisdiction of the Provider Reimbursement Review Board (PRRB) over challenges to the application or validity of our regulations concerning apportionment of malpractice insurance costs under the Medicare program. A related HCFA Ruling, 86-2, was issued on this matter on July 2, 1986. This Ruling announces that providers may request consideration by PRRB of appeals where a Notice of Program Reimbursement (NPR) has not yet been issued.

EFFECTIVE DATE: This Ruling is effective April 9, 1987.

FOR FURTHER INFORMATION CONTACT: Paul Trimble, (301) 594-8640.

SUPPLEMENTARY INFORMATION: We compile and publish all HCFA Rulings and index them for citation purposes. Since July 1986, Rulings are distributed by HCFA in looseleaf format directly to Federal and State employees who administer or are involved in appeals under Medicare of Medicaid, and to the contractors who implement the programs. In addition, as provided by 42 CFR 401.108, HCFA Rulings may be published in the **Federal Register** as notices. This Ruling has been designated as HCFAR 87-2. The text of the Ruling is as follows:

Provider Reimbursement Review Board Jurisdiction Over Challenges to the Application or the Validity of the Medicare Regulation Governing Apportionment of Malpractice Insurance Costs (42 CFR 413.56)

Purposes: This Ruling states HCFA policy that the Provider Reimbursement Review Board now has jurisdiction to hear a provider's challenge to the application or validity of 42 CFR 413.56 even if the provider has not received a Notice of Program Reimbursement (NPR). Other jurisdictional prerequisties would continue to apply.

Citations: Section 1878 of the Social Security Act (42 U.S.C. 1395oo); 42 CFR Part 405, Subpart R.

Pertinent History: On April 1, 1986, a new regulation governing the allocation of malpractice insurance costs was published (51 FR 11142) to supersede a regulation on the same subject that had been issued in 1979. The new regulation (42 CFR 413.56 as redesignated at 51 FR 34790, 34808) applies to cost reporting periods beginning on or after July 1, 1979. The public was offered an opportunity to comment on the 1986 regulation. A response to those comments was published on March 27, 1987 (52 FR 9833).

The new regulation generally results in reimbursement to providers that is greater than under the superseded rule. Medicare's fiscal intermediaries have implemented the new regulation on an interim basis with respect to many providers by paying them the estimated amount that will be owed when a final determination is made. The intermediaries, however, have not yet made final determinations, and thus have not issued revised NPRs, in the case of most providers.

In HCFA Ruling 86-2, dated July 2, 1986, it was held that the Board had no jurisdiction to grant a hearing to a provider that wishes to challenge the application or the validity of the 1986 regulation with respect to a cost reporting period until such time as the intermediary issues to the provider an NPR or revised NPR reflecting application of that regulation. This Ruling reflected the provision of section 1878(a)(1)(A) of the Act, which requires receipt of the NPR before the Board has jurisdiction to consider a provider's appeal.

At the time that HCFA Ruling 86-2 was issued, it was anticipated that many providers would receive NPRs soon afterwards. Principally because of unexpected delays in issuing the final response to the many complex comments on the April regulation, however, the process of issuing revised NPRs also has been delayed.

A number of providers have indicated through court filings that they desire to challenge the validity of the 1986 regulation but have been frustrated in doing so by the absence of an NPR. It was not HCFA's intention to delay the availability of review. Nevertheless, we recognize that the unanticipated delays in issuing NPRs have made review unavailable.

Under section 1878(a)(1)(B) of the Act, a provider may obtain a Board hearing prior to receiving an NPR if it has not received the NPR "on a timely basis." Our regulations (42 CFR 405.1835(c)) define timeliness as receipt of an NPR within 12 months after the provider has submitted its cost report. Since we are not requiring the submission of an amended cost report in the case of the 1986 regulation, this regulation may not literally apply. Nevertheless, it has now

been 12 months since issuance of the 1986 regulation, and the timeliness considerations reflected in the statute and regulation should govern. We conclude that, under the circumstances present here, providers desiring to challenge the 1986 regulation have not received an NPR on a timely basis within the meaning of section 1878(a)(1)(B) if they have not already received one. Accordingly, the Board has jurisdiction to hear such cases if the other prerequisites for review have been satisfied. A provider may, of course, at its option await receipt of its NPR before seeking Board review.

Ruling: It is held that any provider seeking to challenge the 1986 malpractice rule has not received an NPR on a timely basis if an NPR has not yet been issued. Accordingly, the jurisdictional requirement of section 1878(a)(1) of the Act for Board review is satisfied.

Dated: April 9, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-9433 Filed 4-24-87; 8:45 am]

BILLING CODE 4120-01-M

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Meeting

Notice is hereby given of a change in time of the National Heart, Lung, and Blood Advisory Council, which was published in the **Federal Register** on March 17, 1987. (52 FR 8370).

The May 21 Council meeting was to have convened in open session at 9 a.m. in Building 31, Conference Room 10, but has now been changed to begin at 8:30 a.m., and will close at approximately 5 p.m.. On May 22 the meeting will begin in closed session from approximately 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 10, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-9362 Filed 4-24-87; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-87-830; FR-2303]

Delegation of Authority Regarding Liquidated Damages Under the Contract Work Hours and Safety Standards Act; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Correction of notice of delegation of authority.

SUMMARY: This notice corrects the authority cited for a delegation of authority regarding liquidated damages under the Contract Work Hours and Safety Standards Act published on January 9, 1987.

EFFECTIVE DATE: December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Justin L. Logsdon, Assistant to the Secretary for Labor Relations, Office of the Secretary, Room 4110, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-5370. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1987, HUD published a delegation of authority from the Secretary of Housing and Urban Development to the Assistant to the Secretary for Labor Relations with respect to certain functions under the Contract Work Hours and Safety Standards Act (CWHSSA). 52 FR 868. The authority cited for that delegation requires correction.

Accordingly, the delegation of authority is corrected as follow:

1. In the third column on 52 FR 868, the first paragraph contained in the Supplementary Information is corrected to read as follows:

This delegation of authority is being published under (1) 29 CFR 5.8(d), which delegates from the Secretary of Labor to the Secretary of Housing and Urban Development the authority to waive or reduce liquidated damages of $500 or less against contractors and subcontractors for violations of the Contact Work Hours and Safety Standards Act (CWHSSA), and (2) section 104(c) of CWHSSA and 29 CFR 5.8(b), which give the Secretary of Housing and Urban Development the authority to (i) issue a final order affirming a determination of liquidated damages under CWHSSA and (ii) recommend to the Secretary of Labor a waiver or reduction of such liquidated damages where appropriate under 29 CFR 5.8(b).

2. In the first column on 52 FR 869, in the first full paragraph, the words "contained in 29 CFR 5.8(d)" are removed.

3. In the first column on 52 FR 869, in the last line of Section A, the words "29 CFR 5.8(d)" are corrected to read "29 CFR 5.8(b)".

4. In the first column of 52 FR 869, the citation of authority is corrected to read as follows:

Authority: 29 CFR 5.8 (b) and (d); Sec. 104(c), Contract Work Hours and Safety Standards Act, 40 U.S.C. 330(c); Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 87-9399 Filed 4-24-87; 8:45 am]

BILLING CODE 4210-32-M

Office of Administration

[Docket No. N-87-1696]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as requred by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ACTION: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will

be required; (7) an estimate of the total number of hours needed to prepare the information submission; (8) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Report Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notices of Submission of Proposed Information Collection to OMB

Proposal: Statement and Voucher for Basic Annual Contribution-Leased Housing.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: The form provides essential information on the operations of PHAs which is used for multiple purposes by HUD, including identification of debts owed to the Department of HUD.
Form Number: HUD–52981.
Respondents: State or Local Governments and Non-Profit Institutions.
Frequency of Response: Annually.
Estimated Burden Hours: 389.
Status: Reinstatement.
Contact: Stephen Sprague, HUD, (202) 426–1872; John Allison, OMB, (202) 395–6880.

Proposal: PHA Utility Consumption Data; Water and Sewage Disposal Data.
Office: Public and Indian Housing.
Description of the need for the information and it proposed use: Most PHAs purchase utility service through master meters. These form are used by PHAs for compiling, by housing project and utility service, utility consumptions and costs for a calendar year. HUD engineers use the information in making reviews of PHA's utility operations. The purpose of these reviews is to determine whether PHAs are controlling utility costs.
Form number: HUD–51466a, 51466b, and 51466c.
Respondents: State or Local Governments and Non-Profit Institutions.
Frequency of respondents: Other.
Estimated burden hours: 12,000.
Status: Reinstatement.
Contact: Charles R. Ashmore, HUD, (202) 755–6640; John Allison, OMB, (202) 395–6880.

Proposal: Request for Payment of Subsidies for Operations.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: This form is used by HUD-assisted projects to request payment of operating subsidy. These data are needed by HUD field offices to review for accuracy of operating subsidies.
Form number: HUD–53087.
Respondents: State or Local Governments.
Frequency of response: Annually.
Estimated burden hours: 107.
Status: Extension.
Contact: Joanne D. Farmer, (202) 426–1872; John Allison, OMB, (202) 395–6880.

Proposal: Lenders Request for Termination of Home Mortgage Insurance.
Office: Administration.
Description of the need for the information and its proposed use: This report notifies HUD whenever a mortgage is paid in full, voluntarily terminated, or that a property will not be conveyed to HUD for insurance benefits. Information collected is used to delete a case from the insurance-in-force files and to discontinue billing the mortgagor for insurance premiums.
Form number: HUD–2344.
Respondents: Businesses or Other for-Profit.
Frequency of response: On Occasion.
Estimated burden hours: 235,495.
Status: Reinstatement.
Contact: Doris J. Neubert, HUD, (202) 755–0467; John Allison, OMB, (202) 395–6880.

Proposal: Contract and Subcontract Activity Report for Public and Indian Housing Programs.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: HUD is required to collect data on the dollar volume and type of Minority Business Enterprise (MBE) participation in HUD programs. The information submitted is mandated by Executive Orders 11625 and 12432 and will also be used to develop an annual report to the President.
Form number: HUD–2516.
Respondents: State or Local Governments, Businesses or Other For-Profit, and Small Businesses or Organizations.
Frequency of submission: Semi-annually.
Estimated burden hours: 3,460.
Status: Reinstatement.
Contact: Patricia G. Hampton, HUD, (202) 755–5383; John Allison, OMB, (202) 395–6880.

Proposal: PHA Tenant Selection Policies, 24 CFR 860.204.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: PHAs are required to develop policies and procedures which take into consideration both the needs of an individual applicant for low-income public housing and the needs of the community for a financially and socially sound housing program.
Form number: None.
Respondents: State or Local Governments.
Frequency or response: Recordkeeping.
Estimated burden hours: 20,100.
Status: Extension.
Contact: Edward C. Whipple, HUD, (202) 426–0744; John F. Morrall, OMB, (202) 395–6880.

Proposal: Public Housing Agency Personnel Practices Handbook, Comparability Survey, Appendix I.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: PHA Administrative staff salaries are required to be comparable to local public practice. PHAs may use Appendix I in conducting salary comparability surveys.
Form number None.
Respondents: State or Local Government.
Frequency of response: Recordkeeping.
Estimated burden hours: 1,875.
Status: New.
Contact: James H. Andrews, HUD, (202) 755–7970; John Allsion, OMB, (202) 395–6880.

Proposal: Survey of Self-Insured Property/Casualty Losses and Set Aside Reserve Funds.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: This information is essential for HUD's assessment of the self-insured property/casualty losses and set aside reserve funds of uninsured public housing agencies (PHAs). This will be accomplished by comparing the set aside reserve account to the total of the incurred losses and loss adjustment expense for all uninsured losses that occurred during the waiver period of Section 305 of the Annual Contributions Contract (ACC).
Form number None.
Respondents: State of Local Governments and Non-Profit Institutions.

Frequency of response: Annually.
Estimated burden hours: 88.
Status: New.
Contact: Ralph E. Lecky, HUD, (202) 755–8145; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 21, 1987.

John T. Murphy,

Director, Information Policy and Management Division.

FR Doc. 87–9460 Filed 4–24–87; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–970–07–4121–14–2410; ES 36413]

Request for Public Comment on Fair Market Value, Maximum Economic Recovery and Environmental Assessment; Emergency Coal Lease Application; Alabama

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Comment.

SUMMARY: The Bureau of Land Management requests public comment on the fair market value, maximum economic recovery and environmental assessment of certain coal resources it proposes to offer for competitive lease sale.

The lands included in Emergency Coal Lease Application ES 36413 are located in Fayette and Tuscaloosa Counties, Alabama and are described as follows:

Sandy Point Tract

T. 17 S., R. 10 W., Huntsville Meridian
Sec. 17, SW¼SW¼;
T. 17 S., R. 11 W., Huntsville Meridian
Sec. 12, SE¼SW¼;
Sec. 13, E½NW¼.
Containing 120 Acres.

The Sandy Point Tract represents the continuation of an existing underground mining operation. The coal resource being offered is to be mined from the existing mine.

Approximately 1.2 million tons of coal are expected to be mined from the tract, which contains approximately 850 thousand tons of recoverable coal from the Pratt Seam of the Pratt Group. On average, the Pratt coal is medium-volatile B bituminous in rank, ranges from 30 to 75 inches in thickness, has a parting thickness of 2 to 12 inches, and is an excellent coking coal that contains relatively little ash and sulfur. The indicators of quality for Pratt coal on the tract are 2.5% moisture, 8.2% ash, 1.8% sulfur, and an average of 13,833 BTU/lb.

The public is invited to submit written comments on the fair market value and the maximum economic recovery of the tract.

In addition, notice is given that a public hearing will be held on June 3, 1987, on the environmental assessment, the proposed sale, the fair market value, and maximum economic recovery of the proposed lease tract.

DATES: Comments must be received on or before May 19, 1987.

ADDRESSES: For more complete data on this tract, please contact Mr. Henry Beauchamp at (601) 965–4405, or at the Jackson District Office, Bureau of Land Management, 300 Woodrow Wilson Drive, Suite 326, Jackson, Mississippi 39213.

The public hearing will be held on June 3, 1987 at 10:00 a.m. in the Conference Room, U.S. Geological Survey, Water Resources Division, 520 19th Avenue, Tuscaloosa, Alabama 35401.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Hale at (703) 274–0225.

SUPPLEMENTARY INFORMATION: In accordance with the Federal coal management regulations 43 CFR Parts 3422 and 3425, not less than 30 days prior to the publication of a notice of sale, the Secretary shall solicit public comments on fair market value appraisal and maximum economic recovery and on factors that may affect these two determinations. Proprietary data marked as confidential may be submitted to the Bureau of Land Management, Jackson District Office, 300 Woodrow Wilson Drive, Suite 326, Jackson, Mississippi 39213 in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304 during regular business hours (7:30 a.m. to 4:00 p.m.) Monday through Friday.

Comments should be sent to the Bureau of Land Management, Jackson District Office, 300 Woodrow Wilson Drive, Suite 326, Jackson, Mississippi 39213 and should address, but not necessarily be limited to, the following information:

1. The method of mining to be employed in order to obtain maximum economic recovery of the coal;
2. The impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and
3. Methods of determining the fair market value of the coal to be offered.

The coal characteristics given above may or may not change as a result of comments received from the public and changes in market conditions that occur between now and the time at which final economic evaluations are completed.

R. Gale Wilson,

Acting State Director.

[FR Doc. 87–9467 Filed 4–24–87; 8:45 am]

BILLING CODE 4310–GJ–M

[AZ–020–07–4212–13; A–20295 thru A–20300]

Realty Action; Public Land Sales; Mohave County, AZ

April 17, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: This notice replaces that Notice of Realty Action published in the **Federal Register** on November 7, 1985, in Vol. 50, No. 216, and on August 26, 1986, Vol. 51, No. 167.

DATE: The effective date of this action is May 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mike Berch, Realty Specialist, Kingman Resource Area, 2475 Beverly Avenue, Kingman, Arizona 86401, (602) 757–3161.

SUPPLEMENTARY INFORMATION: During the week of January 13, 1986, the following described public land was sold and purchase monies paid under section 203(a) of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2750, 43 U.S.C. 1713:

Gila and Salt River Meridian, Arizona

T. 19 N., R. 20 W.
Sec. 14, lot 12
Sec. 23, lots 11 to 14, incl., lots 16 and 17;
The area described aggregates approximately 5.37 acres of public land in Mohave County.

The land is involved in the lawsuit of National Wildlife Federation vs. Robert F. Burford et al., Civil Action 85–2238. On February 10, 1986, a court injunction prohibited the Bureau of Land Management from issuing patent even though purchase monies had been

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received. The purpose of the notice is to protect the land until the lawsuit is resolved and patents transferring title to the purchasers can be issued.

John T. Mezes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-9311 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-33-M

[OR-35382; OR-943-07-4220-11; GP-07-160]

Oregon; Conveyance of Public Lands; Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 837.63 acres of public lands out of Federal ownership. This action will also open 2,645.12 acres of reconveyed lands to surface entry.

EFFECTIVE DATE: May 29, 1987.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208. (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 837.63 acres of lands in Crook County, Oregon, from Federal to private ownership.

2. In the exchange, the following described lands has been reconveyed to the United States:

Willamette Meridian

T. 16 S., R. 17 E.,
Sec. 36.
T. 17 S., R. 17 E.,
Sec. 1, lots 1, 2, and 4, SW¼NE¼, S½NW¼, and E½SE¼;
Sec. 2, lots 1, 2, and 3, and SW¼NE¼;
Sec. 12, SE¼NE¼, E½SE¼, and SW¼SE¼.
T. 16 S., R. 18 E.,
Sec. 19, lots 1, 2, 3, and 4, and E½W½;
Sec. 30, lots 2, 3, and 4, E½NW¼, and NE¼SW¼.
T. 17 S., R. 18 E.,
Sec. 6, lots 6 and 7;
Sec. 7;
Sec. 8, W½W½;
Sec. 17, NW¼NW¼.

The areas described aggregate 2,645.12 acres in Crook County.

3. At 8:30 a.m., on May 29, 1987, the lands described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 29, 1987, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The mineral estate in the lands described in paragraph 2 was not reconveyed to the United States and remains out of Federal ownership.

Dated: April 14, 1987.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-9486 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Environmental Impact Statement; Honeoye Creek Wetland Project, NY

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Ralph W. Abele, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, (617) 965-5100, Extension 382.

Summary

Pursuant to the New York State Environmental Quality Review Act (SEQRA), the National Environmental Policy Act (NEPA), and implementing regulations, the New York State Department of Environmental Conservation (the "Department") and the United States Fish and Wildlife Service (the "Service") jointly issue this Record of Decision/Statement of Findings upon consideration of the Final Environmental Impact Statement (FEIS) on the Honeoye Creek Wetland Project.

The Department and the Service have evaluated and considered the alternatives for the long range conservation and management of the Honeoye Creek Wetland presented in the FEIS and have reviewed the public comments. Based on that evaluation and review, the Department and the Service have selected the Proposed Action Alternative described in the FEIS for implementation. This determination was based on a thorough analysis of environmental, social, economic and other essential considerations.

Background

The Honeoye Creek Wetland was selected as a candidate for public acquisition and management with State Funds under the 1972 Environmental Quality Bond Act and Federal Funds under the Pittman-Robertson Act. The wetland consists of approximately 800 acres of emergent marsh and wooded swamp located in the Town of Richmond, Ontario County, New York, just north of the hamlet of Honeoye. Surrounding the wetland is an area of productive agricultural land and other uplands totaling an additional 1300 acres that have been proposed for acquisition and management to provide access to the wetland and to serve as a buffer zone for the wetland.

The primary goals of the Department in this area are the long term preservation of the wetlands, the fostering of public use and enjoyment of the area, and the management of habitat in the wetland and adjoining uplands to enhance wildlife populations.

The public participation process on this proposal began in 1978 with contacts to determine landowner interest in the acquisition program. Since that time extensive public input has occurred including public information meetings, civic and environmental organization presentations, formal hearings, and public comment periods.

The Selected Alternative

The selected alternative is the Proposed Action described in the FEIS. This alternative was developed by a committee comprised of representatives of the landowners, the Town of Richmond, the Department, and former State Assemblyman Richard Wesley. The committee was formed in 1985 to explore means of compatibly resolving the concerns of local residents and the goals of the Department. The committee held a lengthy series of meetings, during which the elements of the Proposed Action alternative were developed.

This alternative involves the execution and implementation of voluntary cooperative agreements between the landowners and the Department, as authorized by section 24-0901 of the Environmental Conservation Law. These agreements may apply to lands within the "Project Area" (the wetland and a 100 foot buffer area) or the "Optional Cooperative/Purchase Agreement Area" (uplands surrounding the "Project Area"), or both (see attached map). The agreements will contain certain common provisions, but will be individually negotiated and reasonably tailored to each landowner's needs and desires. The basic purpose of the agreements will be to limit land uses and developments that are incompatible with wetland preservation and to provide for certain public uses of lands subject to the agreements. In addition, the agreements may provide for management activities such as planting

of designated grasses, shrubs and trees, special mowing practices, and construction of ponds.

This alternative provides great flexibility to the landowner. He may choose to sell land to the Department, sell a less-than-fee interest, enter into a cooperative agreement, sell to another private individual or retain full ownership and control. At the same time, the alternative meets the Department's basic objectives of wetland preservation and public use and enhancement. Construction of access sites, trails, water areas, boundary and informational signs, and the establishment and maintenance of wildlife food, cover, and nesting areas would be accomplished on the area over time.

Maintenance of viable agricultural activity by private parties is included in the alternative both on lands purchased by the Department and on lands under cooperative agreements. Agricultural uses on public lands would be conducted pursuant to special permits that include certain conditions to protect the wetland. The Department's experience with special permits in other wetland areas demonstrates that these conditions do not unreasonably impede agricultural activities. Few, if any, agricultural restrictions would be imposed on lands under cooperative agreements, other than a limitation on drainage of wetland for conversion to agricultural use.

As it proceeds to implement this project, the Department will continue to meet with two existing committees that are concerned about certain aspects of the project. The committee of local landowners and Town of Richmond representatives will meet as appropriate to discuss the form and content of the cooperative agreements, the Department's timetable for project implementation and other matters of local concern. Concurrently, the Department will work with a committee of agricultural experts, including representatives of the Department of Agriculture and Markets, to develop guidelines for agricultural practices on lands within the Honeoye Creek Wetland Project area and similar areas (agricultural practicies on lands purchased with Federal assistance funding must be of benefit to wildlife resources on those lands).

Other Alternatives Considered

Five reasonable alternatives were presented in the FEIS in addition to the Proposed Action. The no action proposal would involve the Department only to the extent of implementing existing environmental laws and regulations within the project area. Current trends of land use would continue as regulated by local governments. Increased residential and commercial development would likely occur, resulting in losses of wetland and wildlife habitat. The natural and human-expedited processes of eutrophication and succession in the wetland could reduce its size and value over time. Unpredicted land uses could occur that would detrimentally affect the conservation of the area's natural resources.

The Full Potential Alternative would involve State acquisition of lands and property rights within the entire 2100-acre area. After acquisition, development of public use facilities, a large waterfowl impoundment, smaller water, areas, and other measures to benefit wildlife would occur. Some agricultural land would be converted to public uses. Regulated public recreational uses would be permitted on all lands acquired. This alternative would be the most expensive, is the most controversial due to the real and perceived environmental, social and economic impacts, but would have best met the Department's goals for this area.

The Reduced Impoundment Alternative also envisioned the acquisition of lands and real property interests within the entire 2100-acre area, but less would be needed in fee. Development of public use facilities, a smaller impoundment, water areas and habitat management activities would occur. Regulated public recreational uses would be permitted, and some loss of agricultural land would occur. The environmental, social and economic impacts would be considerable, though somewhat less than the Full Potential Alternative. Moreover, this alternative is controversial in the local community and it would be expensive to implement.

The Wetland Preservation Alternative discussed the purchase of only the wetland, a minimal buffer area around it, selected access sites, and lands of the Nature Conservancy at the north end of the area. This action would serve to eliminate direct loss of the wetland, but would not address indirect losses due to eutrophication and succession. Limited public access and use would result. Environmental, social and economic impacts were identified as being less than the Reduced Impoundment Alternative, and some looal support for this alternative was evident. However, this alternative would not have met some of the Department's goals and it remained quite controversial in the local community.

The Nature Conservancy Alternative involved the transfer of ownership of approximately 635 acres of land, including about 25 acres of the Honeoye Creek Wetland proper, to the Department. No wetland enhancement would be done, but public access and use of these lands would be permitted and some upland management to complement the wetland would have been performed. Social, economic and environmental impacts would have been minimal with this alternative, but the Department's goals for the nearby wetland area would have remained largely unsatisfied.

The Minimization of Impacts and Public Concerns

The Proposed Action alternative incorporates measures to minimize the adverse environmental, social and economic impacts as much as practicable. Through the exhaustive public participation process, the means to accomplish the goals and objectives of the landowners, the Town and the Department were identified, discussed, and modified to the point where major issues of controversy have been substantially resolved. Continued public participation during project implementation will further reduce real or perceived impacts on social and natural resources. The specific measures to minimize impacts of and public concerns about the selected alternative are identified in the Findings and Decision section of this document.

Findings and Decisions

Having reviewed and considered the FEIS for the Honeoye Creek Wetland Project and the public comments thereon, the Department and the Service find as follows:

1. The requirements of SEQRA, NEPA and implementing regulations have been satisfied; and

2. Statutory authority for the project exists under Articles 3, 11, 24 and 51 of the Environmental Conservation Law and implementing regulations; and

3. Statutory authority for the Service's funding of the project exists under the Pittman-Robertson Act, 16 U.S.C. 669–669i; and

4. The Proposed Action alternative represents the best balance between the Department's goals and objectives and the public concerns identified through the public participation process; and

5. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Proposed Action alternative is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and

6. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Having made the above findings, the Service and the Department have decided to proceed, as funding permits, with implementation of the Proposed Action alternative, including the development, negotiation and execution of cooperative agreements; the transfer of lands from the Nature Conservancy to the Department; the purchase of lands from willing sellers within the Project Area and the Optional Cooperative/Purchase Agreement Area; and the implementation of development and management measures on lands acquired by the Department or subject to cooperative agreements. The decision to implement this alternative is subject to the following conditions that will minimize or avoid the environmental impacts and public concerns identified during the environmental impact statement process:

a. The Department will continue to meet with the committee of local landowners and Town of Richmond representatives to discuss the form and content of cooperative agreements, plans for implementation of the project, and other matters of public concern.

b. The Department will participate on a committee of agricultural experts and representatives to develop guidelines for agricultural practices on lands owned by the Department, or subject to cooperative agreements with the Department (agricultural practices on land purchases with Federal assistance funding must be of benefit to wildlife resources on those lands).

c. In connection with this project, the Department will exercise the power of eminent domain within the Project Area and the Optional Cooperative/Purchase Agreement Area only after complying with the requirement of the Eminent Domain Procedures Law and in the following circumstances:

(1) A landowner consents to appropriation in order to clear title to his land, resolve a disagreement over the value of his land, or for other reasons.

(2) An imminent land use or development threatens the wetland and/or its benefits and the threat cannot be resolved by other means.

d. Small impoundments may be created in the project area and in the optional/purchase agreement area by the construction of dikes provided that the impoundment has been demonstrated to have no significant adverse effects on any adjacent properties. DEC will prepare a plan for the development of all such impoundments and shall provide notice of the completion of the plan to all project area landowners and the Town of Richmond at or prior to the time that the first application for necessary regulatory approval of an impoundment is filed. In addition, notice of the proposed construction of each impoundment will be provided by DEC to all project area landowners at the time the first application for regulatory approval of the impoundment is filed. All applicable regulatory requirements and approvals including the Federal Flood Insurance and Corps of Engineers requirements and ECL Article 8, Environmental Quality Review; Article 15, Stream disturbance and dam construction; and Article 24, Wetlands; will be satisfied or obtained.

e. Construction-related impacts on wildlife, such as noise, soil disturbance, and human activity, will be minimized by timing these activities to occur in mid-summer and early fall when wildlife would be least disturbed.

f. Construction-related erosion and siltation will be controlled by seeding and other conservation measures.

This Statement of Findings/Record of Decision will serve as the written facts and conclusions relied upon in reaching this decision. This statement of Findings/Record of Decision was approved by Henry G. Williams, Commissioner of the New York State Department of Environmental Conservation.

Dated: April 14, 1987.

William C. Ashe,

Acting Regional Director, United States Fish & Wildlife Service.

[FR Doc. 87-9229 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit Issued for the Months of January, February, March 1987

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit application duly received according to section 10 of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973, as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, telephone (703/235-1903) between the hours of 7:45 a.m. to 4:15 p.m. weekdays.

January 1987

Philadelphia Zoo Gardens	X712863	Jan. 5.
San Diego Zoo	X713633	Jan. 7.
San Diego Zoo	X711275	Jan. 13.
Nat. Museum of Natural History	X709016	Jan. 21.
Henry Doorly Zoo	X714109	Jan. 21.
Frank Mazzotti	X713497	Jan. 21.
Salas, Theodore	X713869	Jan.

February 1987

Dallas Zoo	X713227	Feb. 2.
N.C. State Mus. of Nat. His.	X713937	Feb. 5.
White Oak Plantation	X715416	Feb. 5.
Michael P. Yoder-Williams	X694894	Feb. 5.
Washington Park Zoo	X715417	Feb. 6.
Peregrine Fund Zoo	X713339	Feb. 12.
Hogle Zoological Garden	X714333	Feb. 18.
San Diego Zoological Society	X714696	Feb. 24.
Anderson, Lee R.	X715129	
U.S. Bureau of Reclamation	X714595	Feb. 25.
San Diego Zoological Society	X714683	Feb.

March 1987

Sutterlin, John	X714657	Mar. 6.
San Antonio Zoological Garden	X714690	Mar. 6.
Kenneth T. Winters	X714188	Mar. 10.
Soco Garden Zoo	X714699	Mar. 11.
San Diego Zoological Society	X714692	Mar. 11.
Vandore Nurseries, Inc	X713917	Mar. 20.
John C. Avise	X715472	Mar. 30.
Peter Pauls Nurseries	X717060	Mar. 30.

Dated: April 21, 1987.

Earl B. Baysinger,

Chief, Federal Wilflife Permit Office.

[FR Doc. 87-9411 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-10-M

Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*, the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and the regulations governing marine mammals and endangered species (50 CFR Parts 17 and 18).

Applicant: Name: Natural History Museum of Los Angeles County, 900 Exposition Blvd., Los Angeles, California 90007, File No. PRT-717015.

Type of Permit: Scientific Research.

Name of Animals: All species of Cetacea (whales, porpoises, and dolphins), all species of Pinnipedia (seals and walrus), all species of Sirenia

(manatees and dugongs), sea otters and marine otters.

Summary of Activity to be Authorized: The applicant proposes to import these animals for research on species distribution and for disposition in the Mammal Collection.

Source of Marine Mammals for Research: Specimens to be salvaged from naturally occurring strandings or salvaged as a result of fishing boat incidental takes, mortalities due to research or management programs or from specimens killed by subsistance users.

Period of Activity: 5 years.

Concurrent with the publication of this notice in the Federal Register, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (FWPO), 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above application are available for review during normal business hours (7:45 am to 4:15 pm) in Room 601 N. Glebe Road, Arlington, Virginia.

Dated: April 21, 1987.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 87-9412 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Advisory Committee on Water Data for Public Use; Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use (ACWDPU) will be held May 19-21, 1987, at the Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia. This Committee will meet in conjunction with its Federal counterpart, the Interagency Advisory Committee on Water Data (IACWD), and jointly discuss the status of the Nation's water-quality information activities. Other topics of discussion will be nationwide water-quality data collection and analysis activities and ways of improving water-quality information.

The ACWDPU consists of individuals and representatives of water resources-oriented groups, including national, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to represent the interests of the non-Federal community in plans, policies, and procedures related to water data programs. The Director of the U.S. Geological Survey (USGS) is Chairman of the Committee.

The IACWD represents the interests of Federal agencies involved in the acquisition or use of water data. It has a continuous responsibility to advise the Department of the Interior, through USGS, on activities pursuant to the coordination of Federal water data activities. The Chief Hydrologist of the Water Resources Division, USGS, is Chairman of the Committee.

The meeting will convene at 8 a.m. on Tuesday, May 19, 1987. Specific items on the agenda include reports from numerous Federal agencies concerning their water-quality activities. Agencies reporting include the U.S. Army Corps of Engineers, the Environmental Protection Agency, the Soil Conservation Service, and USGS. A panel will discuss nationwide water-quality analysis activities, and work groups will address problems that may be identified. The meeting will adjourn at 11:45 a.m. on Thursday, May 21, 1987.

The meeting will be open to the public, and anyone wishing to attend or desiring additional information should contact Donald K. Leifeste, Acting Chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Virginia 22092. His telephone number is (703) 648-5016. A report summarizing the meeting will be available approximately 4 weeks after the meeting.

Dated: April 17, 1987.

Donald K. Leifeste,

Acting Chief, Office of Water Data Coordination.

[FR Doc. 87-9368 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Great Basin National Park, NV; Legal Description

AGENCY: National Park Service, Interior.

ACTION: Notice of legal description.

Pub. L. 99-565 dated October 27, 1986, established Great Basin National Park as generally depicted on a map titled "Boundary Map, Great Basin National Park, Nevada," numbered NA-GB 20,017, and dated October 1986. Pursuant to section 2(c) of that Act a legal description is provided and is depicted on that map titled "Boundary Map, Great Basin National Park, White Pine County, Nevada," Drawing No. 148/20,017 dated October 1986. The lands set forth below comprise approximately 77,109.15 acres and are located in the Mount Diablo Meridian. All sections are unsurveyed and protracted unless otherwise noted. Acreages shown are therefore approximate and subject to survey.

Description	Acreage
T. 11 N., R. 68 E.	
Sec. 1, that portion lying easterly of the crest of Highland Ridge	±258.00
T. 11 N., R. 69 E.	
Secs. 4 through 9, inclusive	3,875.00
Sec. 10, except any portion of Patented Mineral Survey No. 4432A, Serial No. 874491, lying within said Sec. 10; and	639.00
Secs. 15, 16, 17 and 18	2,579.00
T. 12 N., R. 68 E.	
Secs. 1 and 2	1,344.00
Sec. 3, E½	336.00
Sec. 10, E½	320.00
Sec. 11, except those portions of Patented Mineral Survey No. 37, Serial No. 2590, and Patented Mineral Survey No. 4289, Serial No. 589024, lying within said Sec. 11	601.00
Secs. 12 and 13	1,258.00
Sec. 14, all that part lying easterly of the easterly line of Patented Mineral Survey No. 4289, Serial No. 589024; also, all that part of the S½ lying westerly of the westerly line of the aforesaid Patented Mineral Survey No. 4289	±427.00
Sec. 15, SE¼, except that portion of Patented Mineral Survey No. 40, Serial No. 2592, lying within said SE¼	±157.00
Sec. 22, E½, except any portion of Patented Mineral Survey No. 40, Serial No. 2592, lying within said E½	320.00
Sec. 23, except that portion of Patented Mineral Survey No. 4289, Serial No. 589024, lying within said Sec. 23	610.00
Secs. 24 and 25	1,280.00
Sec. 26, all that portion lying north and east of the diagonal line connecting the northwest and southeast corners of said Sec. 26; and	320.00

Description	Acreage
Sec. 36, all that portion described as beginning at the northwest corner of said Sec. 36; thence southeasterly along the diagonal line connecting the northwest and southeast corners of said Sec. 36, to the crest of Highland Ridge; thence in a southerly direction along the crest of said ridge to the south line of said Sec. 36; thence easterly along the south line of said Sec. 36 to the southeast corner thereof; thence northerly along the east line of said Sec. 36 to the northeast corner thereof; thence westerly along the north line of said Sec. 36 to the point of beginning	±352.00
T. 12 N., R. 69 E.	
Secs. 1 through 12, inclusive	7,637.00
Sec. 13, all that portion lying northerly of the south bank of Snake Creek	±297.00
Secs. 14 through 23, inclusive; and	6,427.00
Secs. 26 through 35, inclusive	6,431.00
T. 12 N., R. 70 E.-surveyed	
Secs. 5, 6, 7 and 8	2,510.67
Sec. 17, all that portion lying northerly of the south bank of Snake Creek; and	±107.00
Sec. 18, all that portion lying northerly of the south bank of Snake Creek	±348.00
T. 13 N., R. 68 E.	
Secs. 1, 2, and 3	1,920.00
Sec. 4, all that portion lying south and east of the diagonal line connecting the northeast and southwest corners of said Sec. 4	320.00
Secs. 9 through 16, inclusive	5,120.00
Secs. 21 through 27, inclusive; and	4,480.00
Secs. 34, 35 and 36	1,971.00
T. 13 N., R. 69 E.	
Surveyed Lands	
Lehman Caves National Monument; and	640.00
Sec. 10, Lots 1, 2 and 4 (surveyed)	122.09
Unsurveyed Lands	
Secs. 4 through 9, inclusive	3,865.00
Sec. 10 (unsurveyed portion)	382.00
Secs. 15 through 22, inclusive; and	4,667.00
Secs. 25 through 36, inclusive	7,749.00
T. 13 N., R. 70 E.-surveyed	
Sec. 31	632.16
T. 14 N., R. 68 E.-surveyed	
Sec. 22, S½	320.00
Sec. 23, S½	320.00
Sec. 24, S½	320.00
Secs. 25, 26 and 27; and	1,920.00
Secs. 34, and 36	1,920.00
T. 14 N., R. 69 E.-surveyed	
Sec. 29, W½	320.00
Secs. 30 and 31; and	1,345.18
Sec. 32, W½	320.00
	77,109.15

The boundary map depicting the above lands is retained by the National Park Service, Western Regional Office, P.O. Box 36063, San Francisco, California 94102 and the Office of the National Park Service, Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127. For further information contact: Ed Haberlin, Chief, Division of Land Resources, Western Region, National Park Service, Box 36063, 450 Golden Gate Avenue, San Francisco, California 94102.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 87-9454 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 303-TA-18 (Final) and 731-TA-332 and 333 (Final)]

Certain Fresh Cut Flowers From Peru, Kenya, and Mexico

Determinations

On the basis of the record [1] developed in its countervailing duty investigation, the Commission has made its determinations pursuant to section 303(a) of the Tariff Act of 1930 (19 U.S.C. 1303), as amended (the "Act"). In the tabulation of the Commission's determinations which follows, a determination of "affirmative" indicates that the Commission determines that an industry in the United States is materially injured by reason of imports of certain fresh cut flowers,[2] provided for in items 192.17 and 192.21 of the Tariff Schedules of the United States (TSUS),[2] which have been found by the U.S. Department of Commerce to be subsidized by the government of Peru:

Country	Investigation No.	Product	Determination
Peru	303-TA-18 (Final)	Miniature carnations	Negative [1]
		Pompom chrysanthemums	Affirmative [2]
		Gypsophila	Negative

[1] Commissioners Eckers and Rohr find threat of material injury. They would not have found material injury by reason of the imports but for suspension of liquidation of that merchandise.
[2] Chairman Liebeler and Vice Chairman Brunsdale dissenting.

On the basis of the record developed in its antidumping investigations, the Commission has made its determinations pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). In the tabulation of the Commission's determinations which follows, a determination of "affirmative" indicates that the Commission determines that an industry in the United States is materially injured by reason of imports of certain fresh cut flowers,[2] provided for in items 192.17 and 192.21 of the TSUS, which have been found by the U.S. Department of Commerce to be sold in the United States at less than fair value:

Country	Investigation No.	Product	Determination
Kenya	731-TA-332 (Final)	Standard carnations	Affirmative [1]
		Miniature carnations	Negative
Mexico	731-TA-333 (Final)	Standard carnations	Affirmative [1]
		Standard chrysanthemums	Affirmative [1]
		Pompom chrysanthemums	Affirmative [1]

[1] Chairman Liebeler and Vice Chairman Brunsdale dissenting.

[1] The record is defined in sec. 207.2(i) of the Commission's rules of practice and procedure (19 CFR 207.2(i)).

[2] A determination of "negative" indicates that the Commission determines that an industry in the United States is not materially injured, nor threatened with material injury, nor is the establishment of an industry in the United States materially retarded, by reason of imports of certain fresh cut flowers.

[2] Miniature carnations are provided for in item 192.17 of the Tariff Schedules of the United States (TSUS). All other fresh cut flowers subject to these investigations are provided for in item 192.21 of the TSUS.

Background

On October 27, 1986, the U.S. Department of Commerce published its preliminary determination that benefits which constitute bounties or grants are being provided to producers of exporters of certain fresh cut flowers in Peru. On November 3, 1986, Commerce published its preliminary determinations that certain fresh cut flowers from Kenya and Mexico are being, or are likely to be, sold in the United States at less than fair value. Accordingly, effective October 27, 1986, the U.S. International Trade Commission instituted final investigations under the applicable provisions of the Tariff Act of 1930 to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports of the subject products into the United States.

Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing notices in the Federal Register of November 19, 1986 (51 FR 41840), and January 7, 1987 (52 FR 610). The Commission's hearing was held in Washington, DC, on February 2, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on April 9, 1987. The views of the Commission are contained in USITC Publication 1968 (April 1987), entitled "Certain Fresh Cut Flowers from Peru, Kenya, and Mexico: Determinations of the Commission in Investigations Nos. 303–TA–18 (Final) and 731–TA–332 and 333 (Final) Under the Tariff Act of 1930, Together with the Information Obtained in the Investigations."

By order of the Commission.

Issued: April 13, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–9486 Filed 4–24–87; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application; Sigma Chemical Co.

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 23, 1987, Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers (7405).	I
Buf[illegible]nine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocyn (7438)	I
Heroin (9200)	I
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).	II
Methamphetamine, its salts, isomers, and salts of its isomers (1105).	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Benzoylecgonine (9180)	II
Morphine-3-Glucuronide (9329)	II

A maximum of 25 grams for each of the above listed substances will be imported annually and will be utilized in researcher or analytical studies.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 27, 1987.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: April 21, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87–9363 Filed 4–24–87; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application; Western Fher Laboratories, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 8, 1987, Western Fher Laboratories, Inc., Carretera 132, KM 25.3, P.O. Box 7468, Ponce, Puerto Rico 00732, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Phenmetrazine and its salts (1631).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and

may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 27, 1987.

Dated: April 21, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-9304 Filed 4-24-87; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATE: Requests for copies must be received in writing on or before June 8, 1987. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending Approval

1. *Department of the Air Force (N1-AFU-86-66).* Force and Financial Program (F & FP) records (schedule provides for permanent retention of record sets of program documents).

2. *Department of Agriculture, Agricultural Research Service, Bureau of Human Nutrition and Home Economics (defunct) (N1-176-87-1).* Memoranda of understanding between experiment stations and state university home economics departments.

3. *Interstate Commerce Commission, Office of the Secretary, Dockets Branch (NC1-134-83-1).* Public dockets.

4. *Defense Logistics Agency, Office of Personnel Management (N1-361-86-6).* Records relating to personnel position management reviews.

5. *Department of Energy, Management and Operating Contractors, Weapons Facilities (N1-434-87-1).* Radiographs taken for quality control purposes during manufacture of weapons system components.

6. *Department of Energy, Strategic Petroleum Reserve Project Management Office (NC1-434-85-4).* Oil Inventory Accounting Records used to track receipt and shipment of oil up to deposit in a final storage site.

7. *Department of Health and Human Services, Health Care Financing Administration (N1-440-87-1).* End stage renal disease cost reports submitted by Medicare providers.

8. *Department of Housing and Urban Development (N1-207-87-2).* Reduction in retention period for Single Family Home Mortgage case files insured through 1967.

9. *Department of Justice, Civil Division, Foreign Litigation Section (N1-131 86-1, -2, -3, -4, -8, -9, -10, -11, -13, -16, -17, -19, -21, -22, -24, -25, -26, -27, -29, -30, and N1-131-87-1).* Administrative and fiscal records of the Office of Alien Property, 1920-66, relating to activities arising from World War II, including the control or vesting of foreign-owned property in the United States.

10. *Department of Justice, Office of Special Investigations (N1-60-87-2).* Visa applicant investigation and displaced persons case files.

11. *National Archives and Records Administration, Office of Records Administration (N1-GRS-87-8).* Proposed addition to the General Records Schedule covering data submitted to the Federal Procurement Data System.

Dated: April 20, 1987.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 87-4375 Filed 4-24-87; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by May 22, 1987.

ADDRESSES: Send comments to Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3002, Washington, DC 20503; (202–395–7316). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202–682–5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202–682–5464) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The National Endowment for the Arts requests the reinstatement of a previously approved collection. The entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Music Professional Training/ Music Recording/Centers for New Music Resources Guidelines FY 1988.

OMB Number: 3135–0052.

Frequency of Collection: One-time.

Respondents: Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from nonprofit organizations that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 200.

Estimated Hours for Respondents to Provide Information: 8,960.

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 87–9371 Filed 4–24–87; 8:45 am]

BILLING CODE 7537–01–M

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before May 27, 1987.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 786–0233, and Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503, (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 786–0233, from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of hours needed to fill out the form. None of these entries is subject to 44 U.S.C. 3504(h).

Category Revision

Title: Process of Application, Evaluation, Award, and Report of NEH Summer Stipends.

Form Number: OMB No. 3136:0050.

Frequency of Collection: The program has a deadline once a year for applicants to apply for support. Applicants apply only when they need support.

Respondents: The respondents are scholars, writers, and teachers in the humanities.

Use: NEH uses the information solicited in the process of evaluation, award making, and final reporting for NEH Summer Stipends.

Estimated Number of Respondents: 4,911.

Estimated Hours for Respondents to Provide Information: At an average of 3.2 hours per response for each respondent, the total number of hours from all respondents is 15,567.

Susan Metts,

Assistant Chairman for Administration.

[FR Doc. 87–9409 Filed 4–24–87; 8:45 am]

BILLING CODE 7536–01–M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Expansion Arts—Dance Programs Organizational Development Pilot Section) to the National Council on the Arts will be held on May 13, 1987, from 9:00 a.m.–5:30 p.m. and on May 14, 1987, from 9:00 a.m.–5:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on May 13, from 9:00 a.m.–9:45 a.m. and on May 14, from 2:00 p.m.–5:00 p.m. The topics for discussion will include general program overview and policy issues.

The remaining sessions of this meeting on May 13, from 9:45 a.m.–5:30 p.m. and on May 14, from 9:00 a.m.–1:00 p.m. are for the purpose of application review. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 22, 1987.

[FR Doc. 87–9436 Filed 4–24–87; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Challenge Section) to the National Council on the Arts will be held on May 12, 1987, from 9:00 a.m.–5:30 p.m. in room M-14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

April 21, 1987.

[FR Doc 87-9437 Filed 4-24-87; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9520.

OMB Desk Officer: Carlos Tellez, (202) 395-3084.

Title: Survey of International Programs Principal Investigators.

Affected Public: Individuals.

Number of Responses: 750 responses; total of 375 burden hours.

Abstract: The National Science Foundation needs to gather evaluations of their foreign host institutions and science policy in their host countries to help evaluate future proposals from those institutions, to solve problems of access, and to follow host governments' science policy. This survey would greatly increase and regularize the flow to the Foundation of information learned from international grants.

Dated: April 21, 1987.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 87-9367 Filed 4-24-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8027; DD-87-07]

Sequoyah Fuels Corp.; Gore Oklahoma Facility; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director of the Office of Nuclear Materials Safety and Safeguards has taken action with regard to five Petitions for action under 10 CFR 2.206 with respect to the Sequoyah Fuels Corporation's Gore, Oklahoma Facility.

By Memorandum and Order dated October 10, 1986, Judge Frye, the presiding officer in a proceeding to authorize operation of the Sequoyah Fuels Corporation (SFC) to convert depleted uranium hexafluoride (UF6) to depleted uranium tetrafluoride (UF4), referred several matters to the staff for consideration under 10 CFR 2.206. The matters referred to the staff were raised in a motion filed on June 8, 1986, by Barbara Synar in the UF6 to UF4 proceeding. In that motion, entitled "Response to Order of May 22, 1986." Ms. Synar requested that the NRC deny SFC's application for a UF4 facility, close the existing facility, and require the decommissioning of the SFC operator. As grounds for her request, she raised, among other matters, concerns regarding SFC's ammonium nitrate fertilizer program. Similar concerns regarding SFC's fertilizer program were raised in letters to the Commission by Native Americans for a Clean Environment (NACE) dated May 22; Paula Strachan, dated June 10; and David Singer Burtner, dated June 26 and September 23, 1986. All of these individuals requested that the Commission hold formal public hearings on SFC's fertilizer program.

In his October 10 Memorandum and Order, Judge Frye referred the portion of Ms. Synar's motion concerning SFC's ammonium nitrate fertilizer program and the above referenced letters to the staff for consideration under § 2.206.

On July 18, 1986, Ed Henshaw filed a motion in the UF6 to UF4 proceeding entitled "Motion to Accept Specific Compliants" in which, among other matters, he raised concerns regarding the adequacy of security at the Sequoyah Fuels facility. In his October 10th Memorandum and Order, Judge Frye referred this portion of Mr. Henshaw's motion to the staff for consideration under § 2.206.

Upon consideration of the Petitions, the Director of the Office Nuclear Safety and Safeguards has determined that the allegations raised do not provide an adequate basis for the relief requested. The reasons are fully described in the "Director's Decision under 10 CFR 2.206" (DD-87-07) which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, NW., Washington, DC 20555, and in the local public document room for the Sequoyah Fuels Facility located at the Sallisaw City Public Library, 101 E. Cherokee, Sallisaw, Oklahoma 74955.

A copy of the Director's Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 21st day of April 1987.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 87-9477 Filed 4-24-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Point Beach Nuclear Plant, Unit Nos. 1 and 2; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company (the licensee), for operating of Point Beach Nuclear Plant, Unit Nos. 1 and 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendments would modify Technical Specification 15.5.3 to remove certain limitations on the repair of leaking fuel rods so long as the repairs proposed during a given outage can be justified by a cycle-specific reload analysis. The current Technical Specifications allow repair of a fuel assembly which is suspected of leaking by substitution of an inert rod for a leaking rod, or removal of the leaking rod leaving a vacancy or "water hole." This repair method is presently limited

to no more than one fuel rod in any single assembly and no more than six such modified assemblies may be in the core at any time. The proposed amendments would remove these limitations so long as a cycle-specific reload analysis is completed which justifies that safety limits would not be violated. Additionally, the proposed amendments would require that should filler rods be inserted into the vacancies, these rods will consist of either Zircaloy 4 or stainless steel in accordance with the licensee's applications for amendments dated March 12 and April 10, 1987.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples in 51 FR 7751. The examples of actions which involve no significant hazards consideration include Example (iii) which states: "For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that the NRC has previously found such methods acceptable."

The licensee is not proposing to load fuel assemblies significantly different from those already approved for their facilities by the NRC. The licensee is merely requesting to eliminate the restrictions currently in effect relating to the number of assemblies and rods per assembly which may be repaired in accordance with approved repair procedures. The licensee has also indicated that all applicable safety criteria and margins will be met as supported by a cycle-specific reload analysis.

The licensee has evaluated the proposed change in accordance with the criteria of 10 CFR 50.92 to determine if the proposed amendments involve a significant hazards consideration. A proposed amendment involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability of consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has stated that the first criterion is met. The present Technical Specification allows for fuel rod substitution or vacancies. While the proposed change removes the limits specified for such cases, the requirement of satisfying a core-specific reload analysis remains in effect. By taking into account any fuel rod substitutions or vacancies, that analysis will verify that all applicable safety margins as defined in the licensing documents are not reduced. Therefore, there should be no increase in the probability or consequences of an accident.

The licensee also states that the second criterion is met. While fuel assemblies containing the rod substitutions or vacancies represent a change in the physical core configuration, it is not a significant change. Any such changes will be accounted for in the reload analysis. The proposed change states that rod substitutions or vacancies must be justified by reload analyses; therefore, the changes should not create the possibility of a new or different kind of accident.

The third criterion is also met for the same reasons described above. If the physical parameters of the reload core are evaluated as being within previously defined acceptance criteria, then a reduction in the margin of safety is precluded.

Based on the above, the staff proposes to determine that the amendments involve no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 AM to 5:00 PM. Copies of written comments received may be examined at the NRC Public Document Room, 1717, H Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 27, 1987, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affecterd by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affecterd by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the

first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matter within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, such to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW, Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator shoud be given Datagram Identification Number 3737 and the following message addressed to David Wigginton, Acting Project Director: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and the Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, DC, and the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

For the Nuclear Regulatory Commission.

David H. Wagner,

Project Manager, Project Directorate III–3, Division of Reactor Projects.

[FR Doc. 87–9476 Filed 4–24–87; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

[G5–457]

Establishment of Prescribed Minimum Educational Requirements for the Soil Conservation Series

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) has revised the prescribed minimum educational requirement for soil conservationists employed within the federal service. Soil conservation is a professional occupation and the revised requirements will facilitate the recruitment of qualified candidates for soil conservation in the Federal service. The minimum educational requirements for this occupation were last revised in 1970.

EFFECTIVE DATE: Notice effective February 1987.

ADDRESS: John E. Flannery, Division Chief, Qualification Standards Division, Career Entry Group; Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: John Flannery, (202) 653–5497.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 3308, OPM has established prescribed minimum educational requirements for soil conservationists employed within the Federal service. The requirements, the duties of the positions, and the reasons for OPM's decision that the requirements are necessary are set forth below: Soil Conservation Series, GS–457, GS–5 through GS–15.

Minimum Educational Requirements

Candidates for positions at all levels must show successful completion of paragraph A or B.

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in soil conservation or closely related agricultural or natural resources fields such as agronomy, soil science, forestry, agricultural education, or agricultural engineering. The total course of study must have included 30 semester hours in an agricultural or natural resources field including at least 12 semester course hours in a combination of soils and crops or plant science. Of the 12 semester course hours, a minimum of 3 semester hours must be in soils, and 3 in crops or plant science.

B. A total of at least 30 semester hours of course work in one or more of the fields listed above in paragraph A, including 12 semester course hours in a combination of soils and crops or plant science. Of the 12 semester course hours a minimum of 3 semester hours must be in soils and 3 in crops or plant science. In addition to these requirements, candidates must have additional education or experience, which, when combined with the 30 semester hours of

course work, will total 4 years of education or 4 years of combined education and experience. The quality of such additional education or experience must have been sufficient to give the candidate professional and scientific knowledge equivalent to that normally acquired through the successful completion of a full 4-year course of study as described in paragraph A above.

Duties: Soil conservationists perform professional and scientific work in the conservation of soil and related environmental resources to achieve sound land use; and advise landowners, land managers, renters, and operators for farms, ranches, public land, commerical and residential acreage about planned treatment of property and how treatment can preserve, improve, and protect soil capabilities. Soil conservationists plan terraces and ponds, select cropping methods to reduce erosion, identify flood plains and acquifers for local governments, and develop conservation measures to reduce pollutants (sediment, pesticides, nutrients, organic wastes, salts, residue from saline soil and mine tailings) from reaching waterways. They advise community groups on the development of watershed projects that will lead to reduction of erosion, siltation, flooding, and the provision of recreational opportunities such as fishing, boating, and swimming.

Acquisition of Required Skills: Professional knowledge of the principles, concepts techniques, and practices of soil conservation or closely related agricultural or natural resource fields such as soil, agronomy, forestry, or agricultural engineering and of the underlying scientific concepts is essential for performing the work of soil conservation positions. The primary source for acquiring the necessary knowledge and preparation is through enrollment in a formal curriculum at an accredited college or university where professional instruction and guidance are available; where there are adequate scientific libraries, laboratories, and facilities for field study; where academic courses are arranged in a systematic, progressive sequence and where attainment of professional and scientific knowledge and skill may be competently assessed.

Reasons for Modifying Requirements: The revision in the minimum educational requirements increases the required academic course work in soils, crops, or plant science for those who apply for employment on the basis of education alone. The grouping of academic course work has been changed from the requirement described in the qualification standard published in 1970. This revision is designed to meet the need to assure fair and equitable consideration and placement for those who qualify on the basis of a combination of education and experience and for those who qualify on the basis of education alone. It also reflects the increased professional demands faced by soil conservationists resulting from current rural-urban land development and the corresponding need for complex technical soil and water conservation measures to minimize erosion losses as well as demands from new legislation extending soil conservation and water control requirements. OPM has decided, under the provisions of 5 U.S.C. 3308, that the duties of a professional soil conservationist position in the GS–457 series cannot be performed by an individual who does not have the minimum education prescribed above.

U.S. Office of Personnel Management.
James E. Colvard,
Deputy Director.
[FR Doc. 87–9483 Filed 4–24–87; 8:45 am]
BILLING CODE 6325–01–M

Request for Extension of RI 30–9 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a request to extend a public information collection. RI 30–9, Reinstatement of Disability Annuity Previously Terminated Because of Restoration to Earning Capacity, is used to inform disability annuitants of their right to request restoration. It specifies the conditions to be met and the documentation required for the individual to request reinstatement. There are 200 individuals who respond annually for a total public burden of 200 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632–7714.

DATES: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to—

William C., Duffy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6410, Washington, DC 20415.

Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3201, New Executive Office Building, NW., Wahington, DC 20503.

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632–5472.

U.S Office of Personnel Management
James E. Colvard,
Deputy Director.
[FR Doc. 87–9482 Filed 4–24–87; 8:45 am]
BILLING CODE 6325–01–M

Request for Extension of RI 38–45 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980. (title 44, U.S.C., Chapter 35), this notice announces a request to extend a public informatin collection. Form RI 38–45, We Need the Social Security Number of the Person Named on the Back of This Form, is used by the Civil Service Retirement System to obtain the correct Social Security Number of annuitants or survivor annuitants. It is used to identify the records of individuals with similiar or the same names. It is also needed to report annuity payments to the Internal Revenue Service for tax purposes. There are 1,500 individuals who respond annually for a total public burden of 125 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632–7714.

DATES: Comments on this proposal should be received on or before May 7, 1987.

ADDRESSES: Send or deliver comments to—

William C. Duff, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415
and
Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3201, New Executive Office Building NW., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632–5472.

U.S. Office of Personnel Management.
James E. Colvard,
Deputy Director.
[FR Doc. 87–9481 Filed 4–24–87; 8:45 am]
BILLING CODE 6325–01–M

Request for Extension of BRI 49-224.1 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a request to extend a public information collection. BRI 49-224.1, Initial Certification of Full-Time School Attendance, is used within the Civil Service Retirement System to determine if a student is eligible to receive survivor benefits. By law OPM is required to pay survivor benefits to children of deceased Federal employees if the children are (1) between the ages of 18 and 22, (2) unmarried, and (3) full-time students in a recognized school. There are 7,000 individuals who respond annually for a total public burden of 2,333 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632-7714.

DATES: Comments on this proposal should be received on or before May 7, 1987.

ADDRESSES: Send or deliver comments to—

William C. Duffy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415

and

Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3201, New Executive Office Building NW., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87-9480 Filed 4-24-87; 8:45 am]

BILLING CODE 6325-01-M

Request for Extension of SF 2823 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a request to extend a public information collection. SF 2823, Designation of Beneficiary Under the Federal Employees' Group Life Insurance Program, is completed by Federal employees and annuitants to designate beneficiaries under the Federal Employees' Group Life Insurance Program. There are 1,000 individuals who respond annually for a total public burden of 250 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632-7714.

DATES: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to—

William C. Duffy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415

and

Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building NW., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87-9479 Filed 4-24-87; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24367; File No. SR-CBOE-87-11]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 20, 1987, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

By means of this rule change filing the Exchange requests approval to list a new Standard and Poor's 500 Stock Index (S&P 500) option contract, which contract (NSX) shall be the same as the Exchange's current S&P 500 option contract (SPX) with one exception: NSX's exercise settlement value shall be based on an index value derived from opening, rather than closing, prices on the last trading day prior to expiration. NSX's expiration months under Exchange Rule 24.9(b) shall be March, June, September, and December, each listed as soon as practicable after approval of this rule change filing.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

By means of this rule change filing, the Exchange seeks approval to list a new S&P 500 option contract (NSX), which would be the same as the current S&P 500 option contract (SPX), except that its exercise settlement value will be based on opening prices of each stock comprising the index on the last trading day prior to expiration. This value will be different than the current index value at any point in time, since the opening prices of the constituent stocks will be established at different times. NSX will have expiration months of March, June, September and December, the same expiration months as the S&P 500 futures contract.

The Exchange takes this action because the Chicago Mercantile Exchange (CME) has moved the S&P 500 futures contract's settlement value to opening prices on the delivery date. CBOE continues to believe that heightened volatility at expiration of index options and futures can better be addressed by improving procedures for information dissemination at the close of trading than by changing the terms of contracts to provide for exercise settlement based on opening prices. However, in light of the action of the CME, CBOE believes it should promptly provide investors in SPX an alternative contract valued on the same basis as the S&P 500 future. Introduction of NSX will provide investors with offsetting S&P 500 futures and SPX positions with a means of alleviating risk resulting from disparate valuation methods.

While a change to outstanding contracts would appear more straightforward than introduction of new contracts with changed terms, that

[1] The Exchange intends to review the results of the June expiration and determine whether to continue with the NSX contract. If the Exchange determines to retain the contract it will subsequently file for permanent approval of NSX for contracts beyond December 1987. This proposal will be subject to a full notice and comment period.

alternative is not available. The Options Clearing Corporation, out of justifiable concern for potential liability, has declined to alter the terms of outstanding contracts. Therefore, if a contract settling based on opening stock prices is to be available to investors for the June 1987 expiration, that can only be accomplished by introducing altered June contracts alongside outstanding June contracts.

CBOE recognizes that the existence of two S&P 500 options contracts in the same expiration month with different methods of valuation may give rise to confusion. However, CBOE believes that the potential for confusion should not be an obstacle to introduction of NSX. SPX is used primarily by institutional investors, who have indicated a need to have the option settle as the future does. In addition, the Exchange is developing and will implement an education program.

The statutory basis for the proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934 (the Act), in that the change will facilitate transactions in options on the S&P 500.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is designed to promote competition by permitting Exhange customers to choose between S&P 500 option contracts valued at opening (NSX) or at closing (SPX) prices for exercise settlement purposes.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on this proposed rule change filing were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act so that it can open June contracts for trading on Monday, April 20, following the April expiration. The proposed rule change must be effective prior to the commencement of trading in the June series of both the S&P 500 futures and current SPX option contracts in order for NSX to effectively parallel trading in the CME's S&P 500 contract.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder. The proposed rule change will enable the CBOE to introduce an option contract that will settle based on the opening prices of component securities, while retaining the afternoon settlement procedures in its established SPX contract. NSX will provide investors with a means of offsetting positions in the CME's S&P 500 futures contract that will also settle based on opeing prices in component securities at the June expiration. NSX will have expiration months of June, September and December, the same months as the S&P 500 futures contract.

The Commission finds good cause for approving the proposed rule change prior to the thirthieth day after the date of publication of notice of filing thereof because of the need to introduce the contract prior to commencement of trading in the June S&P 500 contracts that is scheduled for Monday, April 20, 1987. As previsously noted, the Exchange intends to review the results of the June expiration and will then decide whether to file for permanent approval of NSX beyond the December contracts. Accordingly, the proposed rule change is hereby approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 18, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-9447 Filed 4-24-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24364; File No. SR-NASD-87-20]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. To Modify the Pilot Program Jointly Undertaken With the International Stock Exchange of the United Kingdom and the Republic of Ireland, Ltd.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 16, 1987, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD") is requesting that the Securities and Exchange Commission ("Commission") approve two modifications to the terms of the Pilot Program, contained in File No. SR-NASD-86-4, jointly undertaken by the NASD and the International Stock Exchange of the United Kingdom and the Republic of Ireland, Ltd. (the "Exchange"), formerly The Stock Exchange, London, England.

In its present form, the Pilot Program provides for an electronic exchange of market data between the NASD and the Exchange, without charge, on a group of securities of international interest. Such data is then retransmitted by the recipient (NASD or Exchange) to all subscribers of either the NASDAQ Level 2/3, TOPIC or TOPICLINE service. This proposed rule change will prospectively limit access to the subject market data, at no cost, solely to those NASDAQ market makers and Exchange dealers making markets in issues which are quoted in the linkage and traded in both marketplaces. Additionally, the rule change proposes to extend the term of the Pilot Program until June 3, 1989, a two-year period running from the

expiration of the Commission's interim approval order.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposal and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule filing is twofold: (i) To obtain Commission approval of the NASD's Pilot Program with the Exchange for a full two years from the date of approval of this filing, and (ii) to permit continued access to linkage data at no additional cost only to those NASDAQ market makers and Exchange dealers making markets in one or more issues which are quoted in the linkage and traded in both market centers. Other parties wishing access to this data will have to pay the established fee for the NASD's National Quotation Data Service ("NQDS") or the Exchange's CRS Data Services.

Since the inception of the Pilot Program's historic quotation linkage in April, 1986, it has operated pursuant to a series of temporary approval orders issued by the Commission. The most recent order extended the Commission's approval of Pilot linkage only through June 3, 1987. This tentative approach has deterred commitment of additional resources to enhance automation capabilities in the areas of order handling and market surveillance. Moreover, this uncertainty has even prompted doubts about the viability of the Pilot Program itself. Accordingly, the NASD seeks Commission approval of the Pilot Program for a two-year term expiring on June 3, 1989. The NASD regards this as the minimum period needed to justify the application of further automation resources to the Pilot Program. In addition, approval for two years would encourage broader participation by international dealers, enhance opportunities for directing orders to the market offering the best price, improve liquidity in the markets for eligible securities, and promote complementary enhancements to international clearance and settlement processes. The NASD posits that a two-year extension of the Pilot Program is essential for a meaningful test of this historic experiment in the linkage of two world class securities markets.

As noted previously, the Commission has declined to grant permanent approval of the Pilot Program for a meaningful period. This hesitancy is not based on any regulatory concern arising from the day-to-day operation of the Pilot linkage. Rather, the Commission's stance relates to the fact that the broker/dealers able to access quotes disseminated via the linkage are not assessed a fee for that access. This issue was raised by one vendor of securities market information (hereinafter referred to as the "Vendor") during the Commission's notice and comment process on the original rule filing (File No. SR–NASD–86–4).[2] Vendor claimed that this aspect of the Pilot Program was anticompetitive because Vendor could not obtain access to linkage data (particularly market makers' quotations) from the NASD on the same terms as the Exchange and its member broker/dealers, *i.e.*, at no cost. Further, Vendor argued that the NASD was utilizing its status as a self-regulatory organization to impede competition from Vendor by virtue of the NASD's receiving quotation information from the Exchange on a preferential basis.

The NASD asserts that the competitive concerns raised by Vendor lack merit and appear based upon a misperception of the NASD's motivations in structuring member's access to Pilot Program data. The access parameters established in the original rule filing were intended to promote the broadest exposure of NASDAQ marketplace date among the Exchange's dealer firms (and vice versa). It was hoped that such breadth would stimulate trading interest in eligible securities among retail firms as well as dealers in the linked market centes. In sum, the structure of the original Pilot Program was designed to achieve a viable linkage between two distinct dealer markets in a limited group of securities traded internationally. That structure was not intended to disadvantage vendors of securities information nor to establish the NASD as a competitor of such vendors abroad.

The NASD and the Exchange remain committed to the concepts and goals underlying the structure of the Pilot Program. Achievement of those goals is dependent upon expanding applications of technology to the initial linkage. To allow this evolutionary process to continue, the NASD proposed to modify the Pilot Program's access terms respecting market data. This modification is designed to allay the competitive concerns previously raised by Vendor. The proposed modification will restrict access to linkage data without charge solely to those NASDAQ market makers and Exchange dealers making markets in issues that are quoted in the linkage and traded in both market centers.[3] With respect to the NASD's market makers, this is determinable by reference to the number of Level 3 terminals utilized by the participating firms that are capable of entering (and receiving) quotations in securities common to both markets. This limitation would result, for example, in approximately 109 NASDAQ market makers and 32 Exchange dealers in about 50 securities receiving data without charge, based on April 1987 usage data.[4] The aforementioned NASDAQ market makers could access quotations from the Exchange's dealers on approximately 1,634 NASDAQ Level 3 terminals.[5] Similarly, the Exchange's 32 dealer firms could access the NASDAQ market makers' quotes in the subject securities on approximately 1,400 terminals that receive TOPIC or TOPICLINE service and are located in the "dealing area" of those firms.[6]

[1] Securities Exchange Act Release No. 34–24292 (April 2, 1987).

[2] *See* letter from Daniel T. Brooks, Cadwalander, Wickersham & Taft, Counsel for Instinet Corporation, to John Wheeler, Secretary, Securities and Exchange Commission, dated April 16, 1986.

[3] For purposes of this limitation, the standard of a security "quoted in the linkage and traded in both market centers" would be satisfied where an ADR is quoted on NASDAQ and the underlying stock is quoted through the Exchange's TOPIC or TOPICLINE service.

[4] These numbers are subject to change as additional NASDAQ market makers and Exchange dealers commence market making activity in the linked securities common to both marketplaces.

[5] Assuming Commission approval of this rule change, both the NASD and the Exchange would require a brief period to implement the technical changes necessary to limit access to linkage data in accord with the revised terms set forth in this filing.

[6] The TOPIC/TOPICLINE terminals that will henceforth be authorized to receive information without charge are not directly comparable to NASDAQ Level 3 terminals. The Exchange dealers utilize the TOPIC/TOPICLINE terminals to receive other dealers' quotes as well as to disseminate their quotes. The SEAQ terminal, which is also used by Exchange dealers, basically serves as an input terminal and does not display the information covered by the Pilot Program. Since no equivalent exists to the NASDAQ Level 3 terminal, the Exchange conducted a survey to identify the number of TOPIC/TOPICLINE terminals that the subject firms use in conjunction with their dealer function. In this regard, the Exchange specifically

Continued

The concept underlying this proposal is that NASDAQ market makers and Exchange dealers in the linked securities constitute two separate market centers that are being joined by technology. The restrictions set forth in this proposal are intended to achieve reasonable equivalence in the information exchanged between two distinct marketplaces. The fact that these two markets provide for market making activities through electronic terminals, instead of conventional trading floors, should not preclude exchanging equivalent data without the formality of offsetting charges. The NASD posits that the limited sharing of information among market makers proposed in this filing equates to the communication of bids and offers on a physical exchange floor. Such activity is not a service offered in competition with vendors and is fully distinguishable from their distribution of market information to subscribers.

The conduct of the Pilot Program is completely distinguishable from but compatible with the vendors distributing information to the securities industry. Vendors complement the various marketplaces by disseminating certain securities information outside individual markets to a broad range of recipients that include the retail sales forces of brokerage firms, investment advisory and research firms, institutional and individual investors. However, the ability of any vendor to distribute this information requires securities information of sufficient value and integrity to warrant collection and processing by the marketplace for dissemination to the world through a diverse network of information providers.

What distinguishes the marketplace from a vendor are its functions in regulating all practices within the market relative to the integrity of quotations and the excution and reporting of transactions, and the developing of systems and services that will make the marketplace more efficient and economical for participants. The Pilot Program as modified by this filing is clearly a marketplace function and not a vendor function. To conclude otherwise would ignore several fundamental facts. The respective NASD and Exchange markets will not be providing information on the linked securities, without charge, to subscribers generally. Rather, they will only permit the exchange of information among the dealer firms for essentially equivalent value received in the form of comparable quotations. Moreover, the NASDAQ market makers or Exchange dealers receiving information on the limited group of securities from abroad are in fact required to pay a substantially higher price than the subscriber of a vendor. In the case of the NASDAQ market maker, the price paid for receipt of information from the Exchange is the continuous entry of quotations in one or more of those securities with the attendant economic risk inherent in market making. However, that price does not include access to the many other TOPIC services (or NASDAQ, from the perspective of Exchange dealers) which are beyond the scope of the Pilot Program.[7] Access to that information can be obtained only through subscription to the applicable service and payment of the customary fee.

In conclusion, the Pilot Program was created for the purpose of linking two world marketplaces through the application of technology. The linkage constitutes an important first step toward the establishment of regulatory programs of mutual benefit, the expansion of trading opportunities both here and abroad, the provision of more efficient markets and economic incentives to direct orders in linked securities to the best available market. Assuming Commission approval of this filing for a two-year term, a number of additional enhancements will be actively considered for implementation including: two-way dissemination of last sale reports in selected securities; linkage of the respective small order processing systems; development of a composite display of market makers' quotes from both market centers; and development of an automated confirmation procedure that will yield locked-in trades to facilitate clearance and settlement. Moreover, both markets will formulate appropriate refinements in their automated surveillance capabilities. Thus, much remains to be done for the Pilot Program to achieve its major contributions to the internationalization of the securities markets. Absent Commission approval of this rule change proposal, the internationalization process will suffer a major setback.

* * * * *

The NASD submits that the statutory bases for this filing are found in sections 11A(a)(1)(B) and (C), 15A(b)(6), and 17A(a)(1)(B) and (C) of the Securities Exchange Act of 1934 (the "Act"). Subsections (B) and (C) of section 11A(a)(1) set forth the Congressional goals of achieving more efficient and effective market operations, the availablility of information with respect to quotations for securities and execution of investor orders in the best market through the use of new data processing and communication techniques. Section 15A(b)(6) requires that the rules of the Association be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing inforamtion with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market. . . ." Section 17A(a)(1) expresses the Congressional goal of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through the use of new data processing and communications techniques. The NASD believes that SEC approval of the amended Pilot Program for a two year term will further these ends by providing the cooperative regulatory environment and operating experience necessary to achieve these advances in the international marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD has consistently maintained that the operation of the Pilot Program was never intended to impose a burden on competition. To the contrary, the structure of the Pilot Program was fashioned to provide additional market making opportunities in the securities eligible for inclusion in the linkage. To date, only one party, Vendor, has objected to the operation of the Pilot Program based on competitive implications. Vendor's objection focuses upon a very narrow aspect of competition germane only to the information vendor community. Simply put, the concern is that vendors will be competitively disadvantaged if their subscribers can obtain the very limited market data information (approximately 300 issues from each partricipant) through the Pilot linkage without charge.

The NASD asserts that Vendor's arguments do not accurately reflect the nature and scope of the Pilot Program

requested that the firms tally the number of "screens" receiving TOPIC or TOPICLINE service, exclusive of those screens dedicated to research or retail usage. The figure of 1,400 terminals is a projection based upon responses received from approximately half the firms as of the date of this filing. Thus, if this proposal is approved, the remaining TOPIC/TOPICLINE terminals, estimated by the Exchange to be about 6,600 would no longer receive linkage data without charge.

[7] Presently, the universe of securities eligible for inclusion in the Pilot Program is approximately 600 issues, *i.e.*, about 300 from each respective market. In contrast, subscribers to the Association's National Quotation Data Service receive market makers' quotes in approximately 5,000 securities.

nor its benefits to the industry and investors as a whole. It is neither the NASD's intent nor in its best interest to function as a vendor of information abroad. Rather, the NASD believes that the interests of the NASDAQ marketplace are best served by the broadest possible dissemination of information and that independent vendors can provide that service.

Nonetheless, the NASD has proposed limitations on access to market data disseminated through the Pilot linkage to address the competitive concerns perceived by Vendor. Those limitations provide for access to linkage data without charge solely to those NASDAQ market makers and Exchange dealers who make markets in linked securities that are common to both market centers. These proposed access terms are intended to create a narrower market-to-market linkage. As such, equivalent information will be exchanged between markets (and market participants) and charges for the exchanged data would be essentially offset. Thus, NASD members of Exchange dealers whose market making does not stisfy the proposed criteria will be precluded from receiving data transmitted via the linkage absent subscription to and payment for the applicable service.

Moreover, the NASD believes that the proposed access terms may provide an incentive for firms to expand international market making activities in securities eligible to be quoted in the linkage. This result is consistent with the Commission's stated policy of facilitating international market linkages in furtherance of the Congressional findings respecting a national market system under section 11A(a)(1) of the Act. This expansion of market making acitivity has the potential to increase institutional investor interest in these securities and foster demand for market data in linkage securities, which data is distributed by vendors both here and abroad.

Based on the foregoing, that NASD reiterates that continued operation of the Pilot Program, as modified by this filing, will create no competitive burdens.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or,

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, are subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principle office of the NASD. All submissions should refer to file number SR–NASD—87–20 and be submitted by May 18, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87–9401 Filed 4–24–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–24369; File No. SR–NYSE–87–13]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 13, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On March 13, 1987 the Exchange filed a proposed rule change to change the settlement pricing of expiring stock index options to the opening prices on expiration Friday. (*See* SR–NYSE–87–06 and 3/16/87 Letter to Sharon M. Lawson, Branch Chief, SEC, from Daniel P. Odell, Assistant Secretary, NYSE (collectively, the "Temporary Rule Filing") and Release No. 34–24276.) In particular, the Exchange modified the definition of "Current Index Group Value" in Rule 700(b)(17) to permit the Exchange to specify that the value upon exercise of options on the NYSE Composite Index and the NYSE Beta Index on expiration Friday is to be calculated from the opening prices for the constituent stocks on that day. The Exchange made conforming changes to the contract specifications for options on both indexes to make clear that trading ceases on the Thursday before expiration Friday.

The Temporary Rule Filing is effective only with respect to contracts expiring in June 1987. On April 3, 1987, the Exchange filed a proposed rule change to make permanent the rule changes proposed in the Temporary Rule Filing. (*See* SR–NYSE–11 (the "Permanent Filing").) Thereafter, it became evident that the publication, comment and approval procedures for the Permanent Filing would not be completed before the Exchange opens for trading its contracts expiring in July (the "July contracts"). Accordingly, the proposed rule change extends the Temporary Rule Filing to the July expiration date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose. The purpose of the proposed rule change is to ameliorate the impact of the concurrent expiration of index options and futures on the markets for individual stocks and on the stock market as a whole. The Exchange believes that settling index futures and options based upon the opening prices of the constituent stocks, and thereby permitting use of the Exchange's opening procedures in handling the accompanying stock volume, is the best strategy for addressing widely-held concerns about the actual and potential impact of the derivative products on the pricing mechanism and integrity of the stock market.

(b) Statutory Basis. The basis under the Act for the proposed rule change is section 6(b)(5), which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

As noted in Item I, the Exchange's Temporary Rule Filing permits the Exchange to change the settlement pricing of expiring stock index options to the opening prices on expiration Friday only for contracts expiring in June 1987. The approval cycle for the Exchange's Permanent Rule Filing, which would lift the June "sunset", will not be completed before the Exchange opens its July contracts for trading. Accelerated approval of the proposed rule change will permit the Exchange to open its July contracts on a timely basis and subject to expiration valuation based upon the opening prices of the underlying stocks. This will maintain the continuity and order of the Exchange's marketplace.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The proposed rule change will enable the Exchange to implement procedures to base settlement of index futures and options on opening stock prices for the July 17, 1987, expiration Firday. The Exchange believes that index settlement based on the opening prices of constituent stocks, utilizing the Exchange's opening procedures, may best address the actual and potential impact of index expirations.

On certain occasions during the past two years, the concurrent expiration of index futures and options has been accompanied by significant price volatility. This volatility appears to have resulted in part from the liquidation of securities held as part of index arbitrages. Many market professionals have chosen to liquidate these positions at the close of trading in order to receive an execution price that will be consistent with the closing value of the index used in the cash settlement of index futures and options positions.[1]

The Commission believes that the NYSE's proposal, incorporating the use of quote indications (*e.g.*, opening procedures) to attract order flow to offset stock order imbalances related to index expirations, may help to ameliorate the price effects of index expirations. Moreover, the ability to disseminate a second quote indication where an influx of orders has substantially shifted any existing order imbalance increases the accuracy and usefulness of the information. Therefore, the dissemination of price information in the component stocks of indexes at the opening, along with notice of order imbalances, should provide investors with a more accurate picture of the market in the affected stocks.

The Commission believes that adequate steps are being taken to inform investors of the pending change. The Options Clearing Corporation ("OCC") recently had approved by the Commission a supplement to the Options Disclosure Document that would amend its disclosure of settlement procedures for index products, thereby notifying investors of the change in procedures. In addition, OCC has effected a rule change to its By-Laws to permit options exchanges to provide by rule that the settlement value of any index on which options are traded on a particular exchange will be determined by reference to the prices of the constituent stocks at times other than the close of trading. Moreover, the Commission expects that the NYSE and broker-dealers will take steps to fully inform investors of these changes.

It should be noted, however, that not all index products will settle based on opening prices at the June expiration. Currently no other options exchange has changed an index option contract to an opening price settlement. In contrast, the Commodity Futures Trading Commission ("CFTC") recently approved a proposal by the Chicago Mercantile Exchange to switch its Standard and Poors 500 Index future contract to an opening price settlement in June.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because of the Exchange's need to open July contracts for trading on a timely basis, subject to expiration valuation based upon the opening prices of the underlying stocks. These contracts will be open prior to the expiration of the notice and comment period to which the Exchange's filing for permanent approval is subject. Moreover, the Commission believes that acceleration is appropriate because it will preclude the need to change the settlement time on the July series of NYSE index options when they are outstanding. Accordingly, the proposed rule change is hereby approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the

[1] The liquidation of index arbitrage positions has resulted in increased volatility at expirations [*See* H. Stoll & R. Whaley, *Expiration Day Effects of Index Options and Futures* (March 15, 1986)]. Consequently, the Commission, in conjunction with the NYSE, has implemented early order-entry and exposure experiments on the last three expirations (September and December 1986, and March 1987). Reduced volatility at these recent expirations may partially be attributed to these procedures.

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 18, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-9448 Filed 4-24-87 8:45 am]

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[Release No. 34-24370; File No. SR-PHLX-87-13]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 31, 1987, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc., ("PHLX" or "Exchange"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), proposes to amend Exchange Rule 1000A(b)(8), by adding this Commentary thereto, as follows (new material is underlined):

. . . Commentary .01 to Rule 1000A(b)(8)

For any series of index options first opened after March 30, 1987, the Exchange may, in its discretion, provide that the calculation of the final index settlement value of any index on which options are traded at the Exchange will be determined by reference to the prices of the constituent stocks at a time other than the close of trading on the last trading day before expiration.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

This rule change is designed to coincide with a rule change and Options Disclosure Document revision of the Options Clearing Corporation ("OCC").[1] The OCC has prepared changes to accommodate morning settlement of options on indices for those securities exchanges that have determined to alter the time at which the final index settlement value is calculated for expiring options.

The Exchange proposes this rule change to put its members and the public on notice that it may in the future alter the time at which the prices of constituent stocks would be reviewed for the purpose of calculating the final index settlement value for expiring index options. The proposal would give the Exchange the flexibility to move the calculation of the final index value for any series of options opened after March 30, 1987 from the close on the last trading day before expiration to the opening on such day. The Exchange understands that the OCC is concerned about the potential liability exposure of changing the terms of outstanding index options contracts and has therefore determined that it will only allow index options series not yet issued to provide for a morning rather than a closing settlement valuation time. However, the OCC rule is not automatic, and it would only be effective for index options contracts for which the relevant exchange has changed the settlement valuation time.

In this context, the Exchange seeks the option of moving its settlement valuation time from the close to the opening on the pertinent expiration day for any index option series first opened after March 30, 1987. This proposal would not require the Exchange to change the index option settlement terms for any index options contract at this time. But it would permit the Exchange to observe overall industry developments in this area and make a change to a morning settlement at some point in the future if the Exchange chose to do so. The Exchange also has notified the Commission that prior to altering the settlement time of any particular index contracts, it will file such proposal with the Commission pursuant to section 19(b) so that adequate notice of the alteration may be effectuated.[2]

The Exchange believes the proposal is consistent with section 6 of the Act, in particular section 6(b)(5). PHLX, like the other securities exchanges and the Commission, has spent considerable time studying the impact of index contract trading on the securities markets, particularly at expiration. By permitting the Exchange to continue to study the potential benefits of altering the time for calculating the final index settlement value of expiring options, the proposed rule change should promote fair and orderly markets and otherwise foster the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act based on the Commission's recent approval of the rule change filed by the OCC regarding the settlement value of an index option. The PHLX intends to open the October series in its Value Line Index option on

[1] *See* Securities Exchange Act Release No. 24277, March 27, 1987.

[2] Conversation between Richard T. Chase, Executive Vice President, Philadelphia Stock Exchange, Inc., and Howard L. Kramer, Assistant Director, Division of Market Regulation, on April 16, 1987.

April 20, 1987, and would like to have the authority to change settlement terms of this contract before the new series is introduced.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The proposed rule change will enable the Exchange to implement procedures to base settlement of its index option products after April 20, 1987.

The Commission believes that adequate steps are being taken to inform investors of the pending change. The OCC recently has filed with the Commission a supplement to the Options Disclosure Document that would amend its disclosure of settlement procedures for index products, therby notifying investors of the change in procedures. In addition, OCC has filed a rule change to its By-Laws to permit options exchanges to provide by rule that the settlement value of any index on which options are traded on a particular exchange will be determined by reference to the prices of the constituent stocks at times other than the close of trading. Moreover, the PHLX has assured the Commission that it will file with the Commission any specific proposals to permanently change the settlement procedures of any particular index product so that formal notice may be afforded to investors.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because of the PHLX's desire to notify members before it introduces new index options series that it may, in the future, alter the settlement procedures for index options traded on the Exchange.[3] Accordingly, the proposed rule change is hereby approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 18, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

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BILLING CODE 8010-01-M

[3] The PHLX desires to enact the proposed rule change for its marketplace to ensure that it has the maximum flexibility to deal with future developments. The Commission, however, notes that OCC already has amended its rules and that broker-dealers have informed their customers of the possibility of such changed contract terms. Accordingly, the Commission does not believe that other markets would necessarily be required to make such conforming rule changes, apart from those rule changes necessary to amend the settlement times specified for options traded on their markets.

[Release No. IC-15692; 812-6387]

Santa Barbara Funding II, Inc.; Issuance of Variable and Floating Rate Mortgage-Backed Securities

April 17, 1987.

AGENCY: Notice of Application to Amend an Existing Order under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Santa Barbara Funding II, Inc.

Relevant 1940 Act Section: Order under section 6(c) from all provisions of the 1940 Act.

Summary of Application: Applicant seeks to amend an existing order exempting it from all provisions of the 1940 Act in connection with its proposed issuance of variable and floating rate mortgage-backed securities.

Filing Date: The application was filed on May 15, 1986, and amended on June 5, 1986. An order was issued on the application on July 14, 1986 (Investment Company Release No. 15201). On April 14, 1987, Applicant filed an amendment to the application.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on May 11, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve Applicant with the request, personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificates. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Santa Barbara Funding II, Inc. 3908 State Street, Santa Barbara, California 93105.

FOR FURTHER INFORMATION CONTACT: Sherry A. Hutchins, Staff Attorney at (202) 272-2799 or Brion R. Thompson, Special Counsel at (202) 272-3016, Division of Investment Management, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300)).

Applicant's Representations

1. Applicant is a Delaware corporation and a wholly-owned, limited purpose finance subsidiary of Santa Barbara Savings and Loan Association, a California chartered savings and loan association. Applicant states that the SEC issued an order (Investment Company Act Release No. 15201, July 14, 1986) ("Existing Order") which pursuant to certain terms and conditions permits Applicant to issue one or more series of fixed rate bonds ("Bonds") secured primarily by mortgages that are first liens on single (one-to-four) family residences ("mortgages"), mortgage pass-through certificates ("GNMA Certificates"), which are fully guaranteed as to principal and interest by the Government National Mortgage Association, Mortgage Participation Certificates ("FHLMC Certificates") issued and guaranteed by the Federal Home Loan Mortgage Corporation and/or Guaranteed Mortgage Pass-Through Certificates ("FNMA Certificates") issued and guaranteed by the Federal National Mortgage Association. ("Federal Certificates" means GNMA Certificates, FHLMC Certificates and/or FNMA Certificates). Applicant also states that Federal Certificates included in the mortgage collateral pledged to secure the Bonds may or may not

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represent the entire beneficial interest in the related mortgage pools.

2. Applicant seeks to amend the Existing Order to permit it to issue one or more series of variable and floating interest rate Bonds secured in whole or in part by mortgages, Federal Certificates and mortgage pass-through certificates which are neither issued nor are guaranteed by any agency of instrumentality of the United States and which evidence undivided interests in pools of mortgages that are first liens on single (one-to-four) family residences ("Private Certificates").

3. Each series of Bonds may contain one or more classes of variable or floating interest rate Bonds which will have a fixed maximum rate of interest ("interest rate cap") that will be payable on the Bonds. Any series of Bonds containing one or more classes of variable or floating interest rate Bonds will be structured with reference to the interest rate caps for that particular series to insure that the cash flow scheduled to be received by the Trustee from the mortgages, Federal Certificates and Private Certificates, plus reinvestment income thereon, and funds, if any, pledged to secure the Bonds will be sufficient to make all payments of principal of and interest on the Bonds, even if the interest rate on any class of variable or floating interest rate Bonds of such series climbed to the interest rate cap in the first interest period and remained constant throughout the life of the Bonds. See the application, for a complete discussion of such variable and floating interest rate Bonds.

4. Applicant asserts that the exemptive relief sought is both consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicant further asserts that its activities will facilitate the financing of mortgage loans to expand the availability of residential mortgages, a critical national need.

Applicant's Conditions

Applicant agrees that its future offerings of Bonds will be limited to offerings meeting the conditions set forth below:

1. Each series of Bonds will be registered under the Securities Act of 1933 ("Securities Act"), unless offered in a transaction exempt from registration pursuant to section 4(2) of the Securities Act.

2. The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934, as amended. However, the mortgage collateral underlying the Bonds will be limited to mortgages, Federal Certificates and Private Certificates.

3. If new mortgage collateral is substituted, the substitute collateral must: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; and (iv) meet the conditions set forth in paragraphs (2), (4) and (6) hereof. In addition, new mortgage collateral may not be substituted for more than 20% of the aggregate face amount of the mortgages initially pledged as mortgage collateral or for more than 40% of the aggregate face amount of the Federal Certificates initially pledged as mortgage collateral. New mortgages may be substituted for mortgages initially pledged as mortgage collateral only in the event of default, late payments or defect in the collateral being replaced. New Private Certificates may be substituted for Private Certificates initially pledged as mortgage collateral only in the event of default, late payments or defect in the collateral being placed. In no event will any new mortgage collateral be substituted for any substitute mortgage collateral.

4. All mortgage collateral, funds, accounts or other collateral securing a series of Bonds ("Bond Collateral") will be held by the Trustee or on behalf of the Trustee by an independent custodian (the "Custodian"). The Custodian may not be an affiliate (as the term "affiliate" is defined in Securities Act Rule 405, 17 CFR 230.405) of Applicant, or of the master servicer or originating lender of any mortgages that are pledged as mortgage collateral. If there is no master servicer, no servicer of those mortgages may be an affiliate of the Custodian. The Trustee will be provided with a first priority perfected security or lien interest in and to all Bond Collateral.

5. Each series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with Applicant. The Bonds will not be considered redeemable securities within the meaning of section 2(a)(32) of the 1940 Act.

6. The master servicer of any mortgages (including any mortgages underlying Private Certificates) that are pledged as mortgage collateral may not be an affiliate of the Trustee. If there is no master servicer, no servicer of those mortgages may be an affiliate of the Trustee. Any master servicer and servicer of such mortgages will be approved by the "FNMA" or "FHLMC" as an eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of mortgages shall obligate the servicer to provide substantially the same services with respect to those mortgages as it is then currently required to provide in connection with the servicing of mortgage loans insured by FHA, guaranteed by the VA or eligible for purchase by FNMA or FHLMC.

7. No less often than annually, an independent public accountant will audit the books and records of Applicant and, in addition, will report on whether the anticipated payments of principal and interest on the mortgage collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's report(s) will be provided to the Trustee.

8. The above representations regarding the variable or floating interest rate Bonds will be express conditions to the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-9394 Filed 4-24-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2274; Amdt. #1]

Maine; Declaration of Disaster Loan Area

The above-numbered Declaration (52 FR 12278 is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated April 10, 1987, to include York County in the State of Maine because of damage from severe storms and flooding beginning on or about March 30, 1987. All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on June 8, 1987, and for economic injury until the close of business on January 11, 1988.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 14, 1987.

Alfred E. Judd,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87-9428 Filed 4-24-87; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2276]

New Hampshire; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on April 16, 1987, I find that Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford and Sullivan Counties in the State of New Hampshire constitute a disaster loan area because of severe storms and flooding occurring on or about March 30, 1987. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on June 15, 1987, and for economic injury until the close of business on January 18, 1988, at:

Disaster Area 1 Office, Small Business Administration, 15–01 Broadway, Fair Lawn, New Jersey 07410

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Business with credit available elsewhere	7.500
Business without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (Non-profit organizations including charitable and religious organizations)	9.500

The number assigned to this disaster is 227606 for physical damage and for economic injury the number is 652200.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 21, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87–9429 Filed 4–24–87; 8:45 am]

BILLING CODE 8025–01–M

Region X Advisory Council; Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 10 a.m. on Wednesday, May 20, 1987, at the Atkinson School of Administration, Willamette University, Salem, Oregon, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. John L. Gilman, District Director, U.S. Small Business Administration, 1220 SW. Third Avenue, Room 676, Portland, Oregon 97204–2882 - (503) 294–5221.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 20, 1987.

[FR Doc. 87–9430 Filed 4–24–87; 8:45 am]

BILLING CODE 8025–01–M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council located in the geographical area of Hato Rey, Puerto Rico, will hold a public meeting at 9:00 a.m., Wednesday, May 27, 1987, at Room G–51, Federal Building, Carlos Chardón Avenue, Hato Rey, Puerto Rico, to discuss such matters as may be presented by members, staff of the Small Business Administration of others attending.

For further information, write or call Wilfred Benítez Robles, District Director, Small Business Administration, Federal Building, Room 691, Carlos Chardón Avenue, Hato Rey, Puerto Rico 00918 - (809) 753–4002.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 20, 1987.

[FR Doc. 87–9431 Filed 4–24–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Traffic Alert and Collision Avoidance System; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert and Collision Avoidance System to be held on May 19–21, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of Minutes of the Twenty-First Meeting held on January 7–9, 1987; (3) Status Report on FAA TCAS Program Activities; (4) Status Reports on Phase II and III TCAS In Service Evaluations; (5) Working Group Activity Reports; (6) Discussion on Future Committee Plans and Work Programs; (7) Date and Place of Next Meeting; (8) Working Group Meet in Separate Sessions; (9) Summary of Working Group Deliberations; (10) Closing Discussions; and (11) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member fo the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 20, 1987.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 87–9387 Filed 4–24–87; 8:45 am]

BILLING CODE 4910–13–M

Urban Mass Transportation Administration

UMTA Revised Fiscal Year 1987; Section 9 Operating Assistance Limitations and Apportionment of Fiscal Year 1987 Section 16(B)(2) Funds

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

SUMMARY: The Federal Mass Transportation Act of 1987, enacted April 2, 1987, affected certain section 9 operating assistance limitations and the apportionment of section 16(b)(2) funds. The Act states that the operating assistance limitation for a new urbanized area is two-thirds of its first section 9 apportionment. In conformance with the new Act, the Fiscal Year 1987 operating assistance limitations for State Governors for use in urbanized areas below 200,000 in population have been determined, and this Notice provides the revised operating assistance limitations. In addition, this Notice contains the apportionment of Fiscal Year 1987 section 16(b)(2) funds to the States.

FOR FURTHER INFORMATION CONTACT: Edward R. Fleischman, Chief, Resource Management Division, (202) 366–2053, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Federal Mass Transportation Act of 1987, enacted April 2, 1987, affects certain of the section 9 operating assistance limitations and the apportionment of section 16(b)(2) funds.

Revised Section 9 Operating Assistance Limitations

The Federal Mass Transportation Act of 1987 revises certain of the section 9 formula program operating assistance limitations. The revision states that for this fiscal year an urbanized area that first became an urbanized area under the 1980 census or thereafter may use for operating assistance an amount not to exceed two-thirds of its section 9 apportionment. Previously, the operating assistance limitation was 40 percent of its apportionment. Therefore, this Notice provides revised operating assistance limitation tables which reflect this change in Fiscal Year 1987 for the State Governor to use in urbanized areas under 200,000 in population within each State. One limitation for operating assistance is provided to the State Governor. However, for technical assistance purposes, this Notice also contains the limitation attributable to the data for each urbanized area within the State.

The operating assistance limitations for urbanized areas over 200,000 in population were not affected by the new law and are still available as listed in the **Federal Register** Notice of December 10, 1986 (51 FR 44546).

Section 16(b)(2) Elderly and Handicapped Program

The Federal Mass Transportation Act of 1987 provides authorizations for the section 16(b)(2) elderly and handicapped program. Therefore, the apportionment of section 16(b)(2) funds to the States is contained in this Notice. A total of $35,089,520 is apportioned under this capital assistance program for transportation of the elderly and handicapped. Of this total, $35,000,000 is the Fiscal Year 1987 appropriation and $89,520 is prior year reapportioned funds.

Funding for the section 16(b)(2) program had not been available prior to this time. However, preliminary allocation figures had been made available, and States had been encouraged to continue with their program planning and development in anticipation of funds availability later. Funds apportioned to States under section 16(b)(2) in this Notice must be obligated by September 30, 1987.

Application for section 16(b)(2) funds should be submitted to the appropriate UMTA Regional Office in conformance with Circular 9070.1A, published May 14, 1985.

Issued on: April 22, 1987.

Ralph L. Stanley,

Administrator.

BILLING CODE 4910-57-M

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS
STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION

STATE/URBANIZED AREA	LIMITATION
ALABAMA:	
State limitation for areas 50,000 to 200,000 in population	$ 3,394,135
Anniston	285,625
Auburn-Opelika	202,600
Decatur	238,237
Dothan	208,355
Florence	289,345
Gadsden	286,951
Huntsville	621,759
Montgomery	830,093
Tuscaloosa	431,170
ALASKA:	
State limitation for areas 50,000 to 200,000 in population	623,089
Anchorage	623,089
ARIZONA:	
State limitation for areas 50,000 to 200,000 in population	323,490
Yuma, Ariz.–Calif.	323,490
ARKANSAS:	
State limitation for areas 50,000 to 200,00 in population	1,039,215
Fayetteville-Springdale	263,124
Fort Smith, Ark.–Okla.	338,902
Pine Bluff	331,742
Texarkana, Tex.–Ark.	105,447
CALIFORNIA:	
State limitation for areas 50,000 to 200,000 in population	9,290,622
Antioch-Pittsburg	425,564
Chico	289,311
Fairfield	399,617
Hemet	305,878
Lancaster	253,891
Merced	293,951
Modesto	802,892
Napa	416,899
Palm Springs	282,419
Redding	233,897
Salinas	521,053
Santa Barbara	862,024
Santa Cruz	463,819
Santa Maria	354,825
Santa Rosa	552,911
Seaside-Monterey	642,568
Simi Valley	377,289
Stockton	1,087,040
Visalia	352,525
Yuba City	369,804
Yuma, Ariz.–Calif.	2,445
COLORADO:	
State limitation for areas 50,000 to 200,000 in population	$ 2,308,851
Boulder	507,899
Fort Collins	460,445
Grand Junction	296,201
Greeley	443,317
Pueblo	600,989
CONNECTICUT:	
State limitation for areas 50,000 to 200,000 in population	5,963,730
Bristol	366,656
Danbury, Conn.–N.Y.	606,145
Meriden	369,637
New Britain	770,896
New London-Norwich	657,408
Norwalk	832,893
Stamford	1,251,254
Waterbury	1,108,841
DELAWARE:	
FLORIDA:	
State limitation for areas 50,000 to 200,000 in population	4,350,702
Daytona Beach	634,056
Fort Myers	461,875
Fort Pierce	320,755
Fort Walton Beach	403,890
Gainesville	433,210
Lakeland	425,447
Naples	229,557
Ocala	229,927
Panama City	367,307
Tallahassee	484,939
Winter Haven	359,739
GEORGIA:	
State limitation for areas 50,000 to 200,000 in population	2,741,514
Albany	389,234
Athens	308,623
Macon	668,318
Rome	233,943
Savannah	849,439
Warner Robins	291,957
HAWAII:	
State limitation for areas 50,000 to 200,000 in population	743,763
Kailua-Kaneohe	743,763

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(*Continued*)

STATE/URBANIZED AREA	LIMITATION
IDAHO:	
State limitation for areas 50,000 to 200,000 in population	$ ***880,108***
Boise City	578,559
Pocatello	301,549
ILLINOIS:	
State limitation for areas 50,000 to 200,000 in population	***6,897,481***
Alton	458,990
Aurora	890,763
Beloit, Wis.-Ill.	39,853
Bloomington-Normal	471,130
Champaign-Urbana	759,387
Danville	305,025
Decatur	550,098
Dubuque, Iowa-Ill.	10,792
Elgin	784,048
Joliet	1,174,090
Kankakee	410,441
Round Lake Beach	327,723
Springfield	715,141
INDIANA:	
State limitation for areas 50,000 to 200,000 in population	***4,219,932***
Anderson	373,417
Bloomington	618,607
Elkhart-Goshen	450,936
Evansville, Ind.-Ky.	876,875
Kokomo	414,341
Lafayette-West Lafayette	540,537
Muncie	536,316
Terre Haute	408,903
IOWA:	
State limitation for areas 50,000 to 200,000 in population	***2,257,704***
Cedar Rapids	668,045
Dubuque, Iowa-Ill.	372,692
Iowa City	324,021
Sioux City, Iowa-Nebr.-S.Dak.	383,641
Waterloo	509,305
KANSAS:	
State limitation for areas 50,000 to 200,000 in population	***1,007,921***
Lawrence	340,195
St. Joseph, Mo.-Kans.	4,761
Topeka	662,965
KENTUCKY:	
State limitation for areas 50,000 to 200,000 in population	$ ***1,831,324***
Clarksville, Tenn.-Ky.	89,948
Evansville, Ind.-Ky.	55,474
Huntington-Ashland, W.Va.-Ky.-Ohio	268,960
Lexington-Fayette	1,048,786
Owensboro	368,156
LOUISIANA:	
State limitation for areas 50,000 to 200,000 in population	***2,224,526***
Alexandria	401,559
Houma	300,463
Lafayette	528,191
Lake Charles	509,723
Monroe	484,590
MAINE:	
State limitation for areas 50,000 to 200,000 in population	***1,056,193***
Bangor	238,763
Lewiston-Auburn	265,497
Portland	504,378
Portsmouth-Dover-Rochester, N.H.-Maine	47,555
MARYLAND:	
State limitation for areas 50,000 to 200,000 in population	***981,608***
Annapolis	357,359
Cumberland, Md.-W.Va.	281,823
Hagerstown, Md.-Pa.	342,426
MASSACHUSETTS:	
State limitation for areas 50,000 to 200,000 in population	***4,849,137***
Brockton	1,190,253
Fall River, Mass.-R.I.	774,419
Fitchburg-Leominster	326,996
Lowell, Mass.-N.H.	1,227,765
New Bedford	856,941
Pittsfield	261,009
Taunton	211,754
MICHIGAN:	
State limitation for areas 50,000 to 200,000 in population	***4,017,199***
Battle Creek	386,389
Bay City	423,421
Benton Harbor	330,146
Jackson	403,382
Kalamazoo	756,115
Muskegon-Muskegon Heights	510,595
Port Huron	341,138
Saginaw	866,013

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS
STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(Continued)

STATE/URBANIZED AREA	LIMITATION
MINNESOTA:	
State limitation for areas 50,000 to 200,000 in population	$ 1,355,656
Duluth-Superior, Minn.-Wis.	441,326
Fargo-Moorhead, N.Dak.-Minn.	187,524
Grand Forks, N.Dak.-Minn.	58,665
La Crosse, Wis.-Minn.	15,335
Rochester	353,593
St. Cloud	299,213
MISSISSIPPI:	
State limitation for areas 50,000 to 200,000 in population	1,233,960
Biloxi-Gulfport	679,855
Hattiesburg	259,555
Pascagoula-Moss Point	294,550
MISSOURI:	
State limitation for areas 50,000 to 200,000 in population	1,536,566
Columbia	273,919
Joplin	247,905
St. Joseph, Mo.-Kans.	383,772
Springfield	630,970
MONTANA:	
State limitation for areas 50,000 to 200,000 in population	1,135,221
Billings	409,826
Great Falls	399,468
Missoula	325,927
NEBRASKA:	
State limitation for areas 50,000 to 200,000 in population	964,814
Lincoln	919,882
Sioux City, Iowa-Nebr.-S.Dak.	44,932
NEVADA:	
State limitation for areas 50,000 to 200,000 in population	682,521
Reno	682,521
NEW HAMPSHIRE:	
State limitation for areas 50,000 to 200,000 in population	1,223,606
Lowell, Mass.-N.H.	1,399
Manchester	523,931
Nashua	333,381
Portsmouth-Dover-Rochester, N.H.-Maine	364,895
NEW JERSEY:	
State limitation for areas 50,000 to 200,000 in population	$ 1,398,490
Atlantic City	1,092,225
Vineland-Millville	306,265
NEW MEXICO:	
State limitation for areas 50,000 to 200,000 in population	541,380
Las Cruces	289,279
Santa Fe	252,101
NEW YORK:	
State limitation for areas 50,000 to 200,000 in population	3,538,753
Binghamton	928,315
Danbury, Conn.-N.Y.	5,202
Elmira	404,432
Glens Falls	255,569
Newburgh	318,031
Poughkeepsie	776,423
Utica-Rome	850,781
NORTH CAROLINA:	
State limitation for areas 50,000 to 200,000 in population	5,298,867
Asheville	386,290
Burlington	293,729
Concord	324,117
Durham	653,537
Gastonia	446,982
Goldsboro	254,760
Greensboro	845,288
Hickory	271,498
High Point	439,896
Jacksonville	320,437
Wilmington	320,018
Winston-Salem	742,315
NORTH DAKOTA:	
State limitation for areas 50,000 to 200,000 in population	991,515
Bismarck-Mandan	339,647
Fargo-Moorhead, N.Dak.-Minn.	351,399
Grand Forks, N.Dak.-Minn.	300,469
OHIO:	
State limitation for areas 50,000 to 200,000 in population	3,181,567
Hamilton	509,527
Huntington-Ashland, W.Va.-Ky.-Ohio	151,734

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS
STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(*Continued*)

STATE/URBANIZED AREA	LIMITATION
OHIO—*Continued*	
Lima	$ 365,384
Mansfield	365,809
Middletown	447,156
Newark	268,680
Parkersburg, W.Va.-Ohio	38,368
Sharon, Pa.-Ohio	32,816
Springfield	558,529
Steubenville-Weirton, Ohio-W.Va.-Pa.	239,056
Wheeling, W.Va.-Ohio	204,508
OKLAHOMA:	
State limitation for areas 50,000 to 200,000 in population	***718,978***
Enid	243,205
Fort Smith, Ark.-Okla.	8,193
Lawton	467,580
OREGON:	
State limitation for areas 50,000 to 200,000 in population	***1,820,986***
Eugene	893,448
Longview, Wash.-Oreg.	8,392
Medford	304,094
Salem	615,052
PENNSYLVANIA:	
State limitation for areas 50,000 to 200,000 in population	***6,386,790***
Altoona	502,411
Erie	1,144,137
Hagerstown, Md.-Pa.	6,599
Johnstown	538,309
Lancaster	748,201
Monessen	330,704
Reading	1,364,838
Sharon, Pa.-Ohio	288,118
State College	392,279
Steubenville-Weirton, Ohio-W.Va.-Pa.	839
Williamsport	342,055
York	728,300
PUERTO RICO:	
State limitation for areas 50,000 to 200,000 in population	***3,980,196***
Aguadilla	384,247
Arecibo	444,984
Caguas	758,158
Mayaguez	558,712
Ponce	1,300,370
Vega Baja-Manati	533,725
RHODE ISLAND:	
State limitation for areas 50,000 to 200,000 in population	***366,976***
Fall River, Mass.-R.I.	66,708
Newport	300,268
SOUTH CAROLINA:	
State limitation for areas 50,000 to 200,000 in population	***$ 1,135,676***
Anderson	248,199
Florence	260,280
Rock Hill	233,203
Spartanburg	393,994
SOUTH DAKOTA:	
State limitation for areas 50,000 to 200,000 in population	***703,357***
Rapid City	277,911
Sioux City, Iowa-Nebr.-S.Dak.	5,195
Sioux Falls	420,251
TENNESSEE:	
State limitation for areas 50,000 to 200,000 in population	***1,248,343***
Bristol, Tenn.-Bristol, Va.	141,047
Clarksville, Tenn.-Ky.	205,943
Jackson	232,359
Johnson City	357,599
Kingsport, Tenn.-Va.	311,395
TEXAS:	
State limitation for areas 50,000 to 200,000 in population	***9,996,998***
Abilene	396,676
Amarillo	669,998
Beaumont	537,977
Brownsville	422,826
Bryan-College Station	306,343
Galveston	324,502
Harlingen-San Benito	263,167
Killeen	397,220
Laredo	541,845
Longview	321,809
Lubbock	781,526
McAllen-Pharr-Edinburg	670,355
Midland	318,342
Odessa	502,449
Port Arthur	514,933
San Angelo	331,446
Sherman-Denison	242,971
Temple	230,624
Texarkana, Tex.-Ark.	175,894
Texas City-La Marque	380,236
Tyler	335,282
Victoria	316,292
Waco	537,073
Wichita Falls	477,212

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS
STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(Continued)

STATE/URBANIZED AREA	LIMITATION
UTAH:	
State limitation for areas 50,000 to 200,000 in population	$ 659,776
Provo-Orem	659,776
VERMONT:	
State limitation for areas 50,000 to 200,000 in population	381,977
Burlington	381,977
VIRGINIA:	
State limitation for areas 50,000 to 200,000 in population	2,499,343
Bristol, Tenn.-Bristol, Va.	85,336
Charlottesville	403,580
Danville	285,137
Kingsport, Tenn.-Va.	19,219
Lynchburg	357,605
Petersburg-Colonial Heights	509,833
Roanoke	838,633
WASHINGTON:	
State limitation for areas 50,000 to 200,000 in population	2,037,476
Bellingham	278,282
Bremerton	342,106
Longview, Wash.-Oreg.	270,203
Olympia	344,325
Richland-Kennewick	404,957
Yakima	397,603
WEST VIRGINIA:	
State limitation for areas 50,000 to 200,000 in population	$ 2,230,757
Charleston	822,918
Cumberland, Md.-W.Va.	16,385
Huntington-Ashland, W.Va.-Ky.-Ohio	535,549
Parkersburg, W.Va.-Ohio	339,021
Steubenville-Weirton, Ohio-W.Va.-Pa.	158,174
Wheeling, W.Va.-Ohio	358,710
WISCONSIN:	
State limitation for areas 50,000 to 200,000 in population	5,181,461
Appleton	807,339
Beloit, Wis.-Ill.	243,249
Duluth-Superior, Minn.-Wis.	116,608
Eau Claire	371,817
Green Bay	623,292
Janesville	303,738
Kenosha	595,233
La Crosse, Wis.-Minn.	340,004
Oshkosh	347,904
Racine	765,670
Sheboygan	373,204
Wausau	293,403
WYOMING:	
State limitation for areas 50,000 to 200,000 in population	720,859
Casper	386,687
Cheyenne	334,172
TOTAL	$ 124,155,109

FISCAL YEAR 1987 UMTA SECTION 16(b)(2) APPORTIONMENTS
AMOUNTS APPORTIONED TO STATES

STATE	APPORTIONMENT
ALABAMA	$ 627,078
ALASKA	139,132
AMERICAN SAMOA	50,936
ARIZONA	461,194
ARKANSAS	477,500
CALIFORNIA	2,785,098
COLORADO	393,182
CONNECTICUT	512,632
DELAWARE	189,646
DISTRICT OF COLUMBIA	208,396
FLORIDA	1,925,110
GEORGIA	716,876
GUAM	127,958
HAWAII	208,476
IDAHO	224,784
ILLINOIS	1,504,316
INDIANA	750,372
IOWA	531,104
KANSAS	445,534
KENTUCKY	595,256
LOUISIANA	584,110
MAINE	275,710
MARYLAND	565,900
MASSACHUSETTS	912,978
MICHIGAN	1,137,960
MINNESOTA	627,562
MISSISSIPPI	453,548
MISSOURI	819,176
MONTANA	$ 214,024
NEBRASKA	340,410
NEVADA	196,914
NEW HAMPSHIRE	233,688
NEW JERSEY	1,064,216
NEW MEXICO	253,646
NEW YORK	2,495,388
NORTH CAROLINA	806,996
NORTH DAKOTA	207,774
NORTHERN MARIANA ISLANDS	50,490
OHIO	1,409,518
OKLAHOMA	533,668
OREGON	446,450
PENNSYLVANIA	1,771,556
PUERTO RICO	431,564
RHODE ISLAND	262,688
SOUTH CAROLINA	454,268
SOUTH DAKOTA	219,654
TENNESSEE	714,306
TEXAS	1,637,260
UTAH	242,236
VERMONT	187,356
VIRGINIA	681,522
VIRGIN ISLANDS	129,436
WASHINGTON	587,436
WEST VIRGINIA	387,566
WISCONSIN	714,092
WYOMING	163,854
Total	$35,089,520

[FR Doc. 87-9451 Filed 4-24-87; 8:45 am]

BILLING CODE 4910-57-C

UNITED STATES INFORMATION AGENCY

A Grants Program for Private Not-For-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The primary purpose of the program is to enhance the achievement of the Agency's international public diplomacy goals and objectives by stimulating and encouraging increased private sector commitment, activity, and resources. The information collection involved in this solicitation is covered by OMB Clearance Number 3116–0175, entitled "A Grants Program for Private, Not-For-Profit Organizations in Support of International Educational and Cultural Activities," announced in the **Federal Register** January 30, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Effective Drug Abuse Prevention Strategies: An Inter-American Exchange

The Office of Private Sector Programs will assist in supporting a three-week travel/study program that will bring ten high-level drug abuse prevention specialists from Latin America to the U.S. for a professional exchange with U.S. counterparts. The program, which may be conducted in Spanish or English (with interpretation), will focus on exploring and comparing techniques for the design, implementation, and evaluation of more effective narcotics demand reduction programs throughout the hemisphere. School-based programs will be emphasized. The program design should include seminars and workshops as well as on-site visits. Participants will be selected by USIA representatives in Mexico, Colombia, Peru, Bolivia, Panama and Ecuador.

Your submission of a letter indicating interest in the above project concept begins the consultative process. This letter should further explain why your organization has the substantive expertise and logistical capability to successfully design, develop and conduct the above project.

Emphasis during the preliminary consultative process will be on identifying organizations whose goals and objectives clearly complement or coincide with those of USIA. Furthermore, USIA is most interested in working with organizations that show promise for innovative and cost-effective programming; and with organizations that have potential for obtaining third-party private-sector funding in addition to USIA support. Organizations must also demonstrate a potential for designing programs which will have a lasting impact on their participants. In your response, you may also wish to include other pertinent background information. To be eligible for consideration, organizations *must* postmark their general letter of interest within 20 days of the date of this notice.

This is not a solicitation for grant proposals. After consultation, selected organizations will be invited to prepare proposals for the financial assistance available: Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (Attn: Initiative Programs), United States Information Agency, 301 4th Street SW., Washington, DC 20547.

Dated: April 17, 1987.

Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 87–9369 Filed 4–24–87; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Elaina Norden, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: April 21, 1987.

By direction of the Administrator.

Jack J. Sharkey,

Director, Office of Information Systems and Telecommunications.

Extension

1. Department of Veterans Benefits.
2. Counseling Record—Personal Information.
3. VA Form 28–1902.
4. This information collection assists the VA counseling psychologist to quickly and effectively determine eligibility for services. It then serves as a guide to explore the client's counseling and program planning needs.
5. On occasion.
6. Individuals or households.
7. 60,000 responses.
8. 30,000 hours.
9. Not applicable.

Extension

1. Department of Veterans Benefits.
2. Verification of Pursuit of Course Leading to a Standard College Degree.
3. VA Form 22–6553.
4. This form is used by schools to certify enrollment information previously submitted to the Veterans Administration and to report changes in a student's enrollment.
5. On occasion
6. State or local governments; Non-profit institutions; and Small businesses or organizations.
7. 325,680 responses.
8. 54,280 hours.
9. Not applicable.

[FR Doc. 87–9407 Filed 4–24–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 80
Monday, April 27, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

DATE AND TIME: Thursday, April 30, 1987, 10:00 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD

STATUS: Open to the Public

MATTERS TO BE CONSIDERED:

FY '89 Priority Projects: Public Hearing

The Commission will hold a public hearing on fiscal year 1989 priority projects.

For a recorded message containing the latest agenda information, call: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

April 23, 1987.

[FR Doc. 87-9552 Filed 4-23-87; 3:34 pm]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, April 30, 1987.

See Times Below*

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

*This meeting will begin immediately after the hearing on FY '89 Priority Projects, scheduled to begin at 10:00 a.m.

FOIA Fees Revisions: Proposed Amendments

The Commission will consider proposed amendments concerning fees to the Freedom of Information Act Regulations.

For a recorded message containing the latest agenda information, call: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

April 23, 1987.

[FR Doc 87-9553 Filed 4-23-87; 3:34 pm]

BILLING CODE 6355-01-M

FEDERAL ENERGY REGULATORY COMMISSION

April 22, 1987.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

DATE AND TIME: April 29, 1987, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20424.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

Consent Power Agenda, 855th Meeting—April 29, 1987, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 4162-009, Shorock Hydro, Inc.
CAP-2.
Project No. 2827-003, City of Redding, California
CAP-3.
Project No. 10341-001, Gem Irrigation District
CAP-4.
Project No. 8654-003, Noah Corporation
CAP-5.
Project No. 3195-022, Joseph M. Keating
CAP-6.
Project No. 6924-001, Northeast Hydrodevelopment Corporation
CAP-7.
Project No. 9412-003, Calaveras Public Utility District and Middle Fork Ditch Hydro Partners
CAP-8.
Docket No. UL87-9-001, Fairfax County Water Authority
CAP-9.
Project No. 9095-003, Northwestern Pacific Power Company
CAP-10.
Project No. 3295-009, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District
CAP-11.
Omitted
CAP-12.
Docket No. EL86-23-001, Northern California Power Agency
CAP-13.
Docket No. EL87-29-000, Maine Yankee Atomic Power Company Docket No. EL87-12-000, Connecticut Division of Consumer Counsel v. Connecticut Yankee Atomic Power Company, Yankee Atomic Electric Company, Maine Yankee Atomic Power Company and Vermont Yankee Nuclear Power Corporation
CAP-14.
Docket No. EL87-30-000, Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company and Holyoke Power and Electric Company
CAP-15.
Omitted
CAP-16.
Docket Nos. ER86-372-006 and ER85-400-010, Virginia Electric and Power Company
CAP-17.
Docket No. ER80-567-006, Wisconsin Electric Power Company
CAP-18.
Docket No. RE81-56-003, Oglethorpe Power Corporation, *et al.*

Consent Miscellaneous Agenda

CAM-1.
Docket No. FA85-8-000, Public Service Company of New Hampshire
CAM-2.
Docket Nos. RM83-41-001, 002, 003 and 004, Rules of Discovery for Trial-Type Proceedings
CAM-3.
Docket No. RM79-76-174 (Colorado-33), High-Cost Gas Produced from Tight Formations
CAM-4.
Docket No. RM79-76-175 (Colorado-34), High-Cost Gas Produced from Tight Formations
CAM-5.
Docket No. GP85-47-000, Samedan Oil Corporation
CAM-6.
Docket No. GP87-39-000, North Dakota Industrial Commission, Section 102 NGPA Determination, Hunt Energy Corporation, (formerly Prosper Energy Corporation), Pederson #1, Sec. 20, T158N, R95W Williams County, N.D., FERC JD 82-4052
CAM-7.
Docket No. GP86-42-000, Mitchell Energy Corporation, F. E. Evans #1, TX Docket No. F-02-078298, FERC No. JD84-36308
CAM-8.
Docket No. GP85-20-002, Colorado Interstate Gas Company v. MIGC, Inc.

Consent Gas Agenda

CAG–1.
Docket No. RP87–52–000, United Gas Pipe Line Company
CAG–2.
Docket Nos. RP87–53–000 and TA87–2–7–000, Southern Natural Gas Company
CAG–3.
Omitted
CAG–4.
Docket Nos. TA87–2–15–000, 001, 002, Mid Louisiana Gas Company
CAG–5.
Docket Nos. TA87–3–48–000 and 001 (PGA87–2 and IRP87–2), ANR Pipeline Company
CAG–6.
Docket Nos. RP86–99–002, TA87–3–4–000 and 001 (PGA87–3), Granite State Gas Transmission, Inc.
CAG–7.
Docket Nos. TA87–5–51–000, 001, TA86–6–51–000 and TA87–1–51–000, Great Lakes Gas Transmission Company
CAG–8.
Docket Nos. TA87–4–46–000, 001 and TA87–1–46–000 (PGA87–3 and IPR87–2), Kentucky West Virginia Gas Company
CAG–9.
Docket No. RP87–7–006, Transcontinental Gas Pipe Line Corporation
CAG–10.
Docket No. RP84–76–005, Alabama-Tennessee Natural Gas Company
CAG–11.
Docket Nos. RP86–39–001 and RP87–33–004, Williams Natural Gas Company
CAG–12.
Docket No. RP86–45–017, El Paso Natural Gas Company
CAG–13.
Docket Nos. TA87–4–51–002 and 003, Great Lakes Gas Transmission Company
CAG–14.
Docket No. TA87–4–21–003, Columbia Gas Transmission Corporation
CAG–15.
Docket No. RP86–93–003, United Gas Pipe Line Company
CAG–16.
Docket No. TA87–1–52–002, Western Gas Interstate Company
CAG–17.
Docket Nos. RP86–30–000 and 001, Alabama-Tennessee Natural Gas Company
CAG–18.
Docket No. RP83–128–001, Pacific Interstate Transmission Company
CAG–19.
Docket No. RP86–35–005, Great Lakes Gas Transmission Company
CAG–20.
Docket No. RP85–210–002, Ringwood Gathering Company
CAG–21.
Docket No. IS87–4–001, Four Corners Pipe Line Company
CAG–22.
Omitted
CAG–23.
Omitted
CAG–24.
Docket Nos. CI86–278–001 and CI86–296–001, Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Company
CAG–25.
Docket Nos. CI86–637–001, 002, 003 and CI86–638–000, ANR Pipeline Company
Docket Nos. CI86–641–001 and CI86–642–000, Northwest Pipeline Corporation and Northwest Marketing Company
Docket Nos. CI86–370–001 and CI86–373–001, Texas Gas Transmission Corporation
Docket Nos. CI86–378–000 and CI86–397–000, Arkla, Inc. (Exploration and Production Division) and Arkla Energy Marketing Company
Docket Nos. CI86–375–000 and CI86–408–000, Trunkline Gas Company
Docket Nos. CI86–447–000 and CI86–450–000, United Gas Pipeline Company
Docket Nos. CI86–451–000 and CI86–504–000, Natural Gas Pipeline Company of America
Docket Nos. CI86–510–000 and CI86–513–000, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
Docket Nos. CI86–737–001 and CI86–738–001, Arkla Energy Resources
CAG–26.
Docket No. CP86–124–003, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–27.
Docket Nos. CP76–492–041 through 044, CP85–282–002 through 004 and CP85–645–006 through 009, Penn-York Energy Corporation and National Fuel Gas Supply Corporation
CAG–28.
Docket No. CP84–252–001, Trans-Appalachian Pipeline, Inc.
CAG–29.
Docket No. CP87–8–001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–30.
Docket No. CP86–701–001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–31.
Docket No. CP86–686–003, Southern Natural Gas Company
CAG–32.
Docket Nos. CP79–444–003 and CP81–474–003, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–33.
Docket No. CP86–693–000, Washington Gas Light Company
CAG–34.
Docket Nos. CP86–225–000 and CP86–247–000, Texas Eastern Transmission Corporation
CAG–35.
Docket No. CP80–499–008, Northwest Central Pipeline Corporation
Docket No. CP86–503–000, Natural Gas Pipeline Company of America
CAG–36.
Docket No. CP70–7–032, Southern Natural Gas Company
CAG–37.
Docket No. CP86–700–000, Columbia Gas Transmission Corporation
CAG–38.
Docket No. CP87–1–000, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–39.
Docket No. CP86–704–001, Florida Gas Transmission Company
CAG–40.
Docket Nos. CP86–531–001 and 003, Texas Gas Transmission Corporation

I. Licensed Project Matters

P–1.
Project No. 4632–001, Clifton Power Corporation. Request for rehearing of order issuing a license pursuant to Section 4(e) of the Federal Power Act.
P–2.
Project No. 4922–000, Arizona Power Authority and the Colorado River Commission of Nevada. Application for a preliminary permit for a project to be located at the Bureau of Reclamation's Hoover Dam.
P–3.
Project No. 7163–001, Lynchburg Hydro Partners. Application for a license.

II. Electric Rate Matters

ER–1.
Docket No. ER85–468–004, Southwestern Electric Power Company. Order on remand addressing whether the filing is an initial rate schedule or a changed rate schedule.
ER–2.
Omitted
ER–3.
Docket Nos. ER82–553–000 and ER82–554–000, Ohio Power Company. Opinion on initial decision determining the appropriate price of coal when it is purchased from a corporate affiliate.
ER–4.
Docket Nos. EF85–2011–007, 008, 009, EF85–2021–007, 008 and 009, United States Department of Energy—Bonneville Power Administration. Order on rehearing concerning rates filed under Section 7(k) of the Northwest Power Planning and Conservation Act.

Miscellaneous Agenda

M–1.
Docket No. RM86–2–000, Revision of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges. Final Rule.
M–2.
Reserved
M–3.
Reserved
M–4.
Docket No. RM87–15–000, Regulations Implementing The National Environmental Policy Act of 1969. Notice of proposed rulemaking.

I. Pipeline Rate Matters

RP–1.
Docket Nos. CP86–526–000 and RP86–158–000, United Gas Pipe Line Company. Order on contested offer of settlement concerning Order No. 436 open access transportation proposal.
RP–2.
Docket No. CP86–578–000, Northwest Pipeline Corporation. Order on contested

offer of settlement concerning Order No. 436 issues and take-or-pay issue.

RP-3.

(A) Docket Nos. TA85-3-29-009, TA86-1-29-006, TA85-1-29-006, TA86-5-29-007, RP83-137-025 and CP85-190-003, Transcontinental Gas Pipe Line Corporation. Opinion on initial decision concerning transition costs.

(B) Docket Nos. TA87-4-29-000, 001, TA85-1-29-011, TA85-3-29-027, TA86-1-29-009, TA86-5-29-010, TA87-1-29-004 and TA87-4-29-002, Transcontinental Gas Pipe Line Corporation. Order on semi-annual PGA adjustment and related settlement offer.

(C) Docket Nos. TA85-3-29-013 through 015, 017 through 019, 021 through 024, 026 and CP86-405-000, Transcontinental Gas Pipe Line Corporation. Order on rehearing concerning Order No. 436 settlement.

RP-4.

Docket Nos. RP8-116-000, 002, 004, 006 and CP86-585-000, Panhandle Eastern Pipe Line Company. Order No. 436 blanket certificate application and rate schedule.

RP-5.

Docket Nos. RP86-115-000, 001, 002, 004 and CP86-586-000, Trunkline Gas Company. Order No. 436 blanket certificate application and related rate schedule.

RP-6.

Docket No. CP86-521-000, Texas Gas Transmission Corporation. Order No. 436 blanket certificate application and related rate schedule.

RP-7.

Docket No. RM87-16-000, Abandonment of Sales and Purchases of Natural Gas under Expired or Temporarily Suspended Contracts. Notice of proposed rulemaking.

RP-8.

Docket No. CP84-348-004, Mississippi River Transmission Corporation.

Docket No. CP84-183-003, Transcontinental Gas Pipe Line Corporation.

Docket No. CI86-307-000, Sea Robin Pipeline Company.

Order on court remand and on application concerning abandonment of purchases.

RP-9.

Docket No. CI86-138-001, Chevron U.S.A. Inc.

Docket No. CI86-295-001, Tenneco Oil Company.

Order on rehearing.

RP-10.

Omitted

RP-11.

(A) Docket No. RM87-5-000, Notice of Inquiry into Alleged Anticompetitive Practices Related to Marketing Affiliates of Interstate Pipelines. Interpretative rule, statement of policy and notice of proposed rulemaking.

(B) Docket No. CI86-56-001, Citizens Energy Corporation, Citizens Resources Corporation and Citizens Gas Supply Corporation.

Docket No. CI86-267-000, Howell Gas Management Company

Docket No. CI86-672-000, Clinton Gas Marketing, Inc.

Docket No. CI87-53-000, Cheney Energy Corporation

Docket No. CI87-254-000, Salmon Resources Ltd.

Docket No. CI87-324-000, Natural Gas Clearinghouse Inc.

Docket No. CI86-413-000, ANR Gathering Company

Docket No. CI86-419-000, ANR Supply Company

Docket No. CI86-421-000, TEXCOL Industrial Sales Company

Docket No. CI86-218-000, Transco Energy Marketing Company

Docket No. CI86-503-000, SNG Trading, Inc.

Docket No. CI87-295-000, Gulf Energy Marketing Corporation

Docket No. CI87-307-000, Midcon Marketing Corporation

Docket No. CI86-168-000, Tenngasco Corporation, *et al.*

Docket No. CI86-377-000, Arkla Energy Marketing Company

Docket No. CI86-378-000, Arkla Energy Marketing Company

Docket No. CI86-641-000, Northwest Marketing Company

Docket No. CI86-425-000, Energy Marketing Exchange

Docket No. CI86-255-000, Hadson Gas Systems, Inc.

Docket No. CI87-349-000, Brooklyn Interstate Natural Gas Corporation. Application for certificates of public convenience and neccessity.

(C) Docket Nos. CI86-168-001 and 002, Tenngasco Corporation and Tenngasco Exchange Corporation. Order on rehearing and reconsideration.

(D) Docket Nos. CP86-232-00, CP86-486-000, CP86-504-000, CP86-551-000, CP86-573-000, CP86-598-000, CP86-645-000, CP86-655-000, CP86-660-000, CP86-669-000, CP86-670-000 and CP86-671-000, Panhandle Eastern Pipe Line Company

Docket No. CP86-584-000, Independent Petroleum Association of Mountain States v. Panhandle Eastern Pipe Line Company.

Docket No. CP86-663-000, Independent Petroleum Association of Mountain States v. Colorado Interstate Gas Company. Opinion on initial decision regarding transportation policies and practices.

RP-12.

Omitted

RP-13.

Docket No. RM86-14-000, Revisions to the Purchased Gas Adjustment Regulations. Notice or proposed rulemaking.

II. Producer Matters

CI-1.

Reserved

III. Pipeline Certificate Matters

CP-1.

Docket Nos. CP85-756-002 through 006, Consolidated Gas Transmission Corporation

Docket Nos. CP86-208-002 through 006, Consolidated System LNG Company and Consolidated Gas Transmission Corporation

Docket Nos. CP85-806-001 through 005, Texas Eastern Transmission Corporation

Docket Nos. CP86-454-001 through 005, Columbia Gas Transmission Corporation. Order on rehearing of prior order on Certificate authorization for gas supply project.

CP-2.

Docket Nos. CP85-116-006, CP86-345-002, CP86-381-000, CP86-707-001 and CP87-53-000, Northwest Pipeline Corporation. Requests for section 7(c) authorization to transport gas imported from Canada.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9566 Filed 4-23-87; 3:50 pm]

BILLNG CODE 6717-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 21, 1987.

TIME AND DATE: Thursday, April 30, 1987, Following oral argument which was previously noticed (April 3, 1987, 52 FR 10850).

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: In addition to the previously announced item, the Commission will consider and act on the following:

2. *Odell Maggard v. Chaney Creek Coal Corp.*, etc., Docket Nos. KENT 86-1-D, etc. (Issues include whether the judge erred in upholding Odell Maggard's claim of discrimination.)

It was determined by a unanimous vote of Commissioners that this portion of the agenda be closed.

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653-5629.

Jean H. Ellen,

Acting Chief Docket Clerk.

[FR Doc. 87-9510 Filed 4-23-87; 12:23 pm]

BILLING CODE 6735-01-M

PAROLE COMMISSION

Record of Vote of Meeting Closure

Pursuant To The Goverment In The Sunshine Act (Pub. L. 94-409) (5 U.S.C. 552b)

I, Benjamin F. Baer, Chairman of the United States Parole Commission, presided at a meeting of said Commission which started at nine o'clock a.m. on Tuesday, April 21, 1987, at 5550 Friendship Boulevard, Chevy

Chase, Maryland 20815. The meeting ended at or about 5:00 p.m. The purpose of the meeting was to decide approximately 13 appeals from National Commissioners' decisions pursuant to 28 CFR 2.27. In addition, a portion of the meeting was closed to discuss personnel matters related to the Commission's 1987 budget request. Eight Commissioners were present, constituting a quorum, when the vote to close the meeting was submitted.

Public announcements further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the adjudicative portion of the meeting be closed: Benjamin F. Baer, Saundra Brown Armstong, Cameron M. Batjer, Jasper Clay, Jr., Vincent J. Fechtel, Carol P. Getty, G. MacKenzie Rast, and Victor M.F. Reyes. The same Commissioners also voted that the budget portion of the meeting be closed. The Commissioners and a Parole Analyst attended.

In witness whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: April 22, 1987.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 87-9524 Filed 4-23-87; 12:46 pm]

BILLING CODE 4410-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

TIME AND DATE: 2:30 p.m. (closed portion), 4:00 p.m. (open portion), Thursday, May 7, 1987.

PLACE: Offices of the Corporation, fourth floor Board Room, 1615 M Street NW., Washington, DC.

STATUS: The first part of the meeting from 2:30 p.m. to 4:00 p.m. will be closed to the public. The open portion of the meeting will commence at 4:00 p.m. (approximately).

MATTERS TO BE CONSIDERED: (Closed to the public 2:30 p.m. to 4:00 p.m.):

1. Finance Project in South American Country
2. Finance Project in South American Country
3. Finance Project in Middle Eastern Country
4. Insurance Project in Middle Eastern Country
5. Insurance Project in Middle Eastern Country
6. Insurance Project in East Asian Country
7. Insurance Project in South American Country
8. Internationally Recognized Worker Rights in China
9. OPIC Privatization Status
10. Claims Report
11. Information Report (Finance)
12. Insurance and Finance Reports
13. U.S. Effects Study

FURTHER MATTERS TO BE CONSIDERED: (Open to the public 4:00 p.m.)

1. Approval of the Minutes of the Previous Board Meeting
2. Approval of Proposed Regular Meetings of the Board
3. Increase of Direct Investment Fund for Fiscal Year 1987
4. Treasurer's Report: Financial Statements as of February 28, 1987, and for Six Months Ended March 31, 1987
5. Information Reports: Smaller Business and Cooperative Activities, Developmental Effects, and Insurance

CONTACT PERSON FOR INFORMATION: Information with regard to the meeting may be obtained from the Secretary of the Corporation, at (202) 457-7079.

Peggy A. Kole,

OPIC Corporate Secretary.

April 23, 1987.

[FR Doc. 87-9505 Filed 4-23-87; 11:03 am]

BILLING CODE 3210-01-M

federal register

Monday
April 27, 1987

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1987 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6993.

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About the Unified Agenda

The **Unified Agenda of Federal Regulations** is compiled by the Regulatory Information Service Center for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing President Reagan's Executive Orders 12291 (Federal Regulation) and 12498 (Regulatory Planning). Under EO 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Agenda differ in several ways. The Unified Agenda includes more regulatory actions because it covers all Federal agencies that issue regulations and includes almost all the rulemakings under development of each. This year's Regulatory Program covers only 26 of the major Federal regulatory agencies, and includes only the most significant of all the regulatory actions that each agency plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

Most of the regulatory actions described in the **Regulatory Program of the United States Government** are

included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

This edition of the Unified Agenda includes 54 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. The Council on Environmental Quality and the National Capitol Planning Commission usually publish a regulatory agenda, but have nothing to report for this edition of the Unified Agenda. Agencies of the United States Congress are not included. The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government.

The Unified Agenda is produced through a computer system designed by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, 26 agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

This edition of the Agenda contains a Subject Index to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, we provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, abstract, legal deadline, timetable, small business effects, and agency contact. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The Unified Agenda of Federal Regulations is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

DATED: April 1, 1987.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register**. The Parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and include Advance Notices of Proposed Rulemaking and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

OMB Bulletin 87-6 states that entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry that appears when:
  a. The action will be included in the **Regulatory Program of the United States Government** for the 1987 program year, or
  b. The agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (U.S.C.) or Public Law (PL) or the Executive order that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to U.S.C. or PL references).
- CFR Citation -- the section(s) of the Code of Federal Regulations that affect or will be affected by the action.
- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.
- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline and, if so, the date of that deadline.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/86 means the agency can predict the month and year the action will take place, but not the date it will occur.

- Effects on Small Businesses and Other Small Entities -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of February 27, 1987, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area of Federal regulatory law. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register.**

EO -- An Executive order is a directive from the President to an executive agency, issued under Constitutional or statutory authority. Executive orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents required by statute to be published.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the seventeenth public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of EO 12291, namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulatory Information Service Center assigns a Regulation Identifier Number to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 87-7122 Filed 04-24-87; 8:45 am]
BILLING CODE 3194-01-T

federal register

Monday
April 27, 1987

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; Spring 1987

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions; but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESSES: Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 148-E, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1270.

DATED: February 27, 1987.

David R. Hoyt,

Chief, Regulatory and Legislative Staff.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	Mohair Standards	0581-AA06
2	Wool Standards	0581-AA12
3	Fees for Service for Voluntary and Mandatory Programs	0581-AA19

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
5	National Average Loan Rates for 1987-Crop Quota and Additional Peanuts	0560-AA61
6	1987-Crop Honey Price Support Program	0560-AA73
7	Common Program Provisions for the 1988 Wheat, Feed Grains, Cotton and Rice Programs	0560-AA89
8	1988 Rice Program	0560-AA90
9	1988 Wheat Program	0560-AA91
10	1988 Feed Grain Program	0560-AA92
11	1988 Upland Cotton Program	0560-AA93
12	1987 Soybean Loan Program	0560-AA95
13	1987 Price Support Levels for Six Kinds of Tobacco	0560-AA97
14	1988 Extra Long Staple (ELS) Cotton Program	0560-AA99
15	1988-Crop Honey Price Support Program	0560-AB04
16	1988 Wool and Mohair Program	0560-AB05
17	1988-Crop Marketing Quotas and Acreage Allotments for Minor Kinds of Tobacco	0560-AB07
18	1988-Crop Peanut Price Support Program Differentials	0560-AB08
19	1987 CCC Cotton Loan Program Regulations	0560-AB10

Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
20	1987 Feed Grain Program	0560-AA59
21	1987 Extra Long Staple (ELS) Cotton Program	0560-AA60
22	1987 Upland Cotton Program	0560-AA64
23	1987 Wool and Mohair Program	0560-AA65

USDA

Agricultural Stabilization and Conservation Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
24	1987-Crop Flue-Cured Tobacco Marketing Quotas and Price Support Level	0560-AA67
25	1987-Crop Burley Tobacco Marketing Quotas	0560-AA68
26	1987 Rice Program	0560-AA72
27	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
28	1987-Crop Peanuts National Poundage Quota	0560-AA79
29	1987 Wheat Program	0560-AA82
30	Highly Erodible Land and Wetland Conservation Programs	0560-AA88
31	Common Program Provisions for the 1987 Wheat, Feed Grains, Cotton and Rice Programs	0560-AA94
32	Regulations for Procurement of Processed Agricultural Commodities for Donations Under Title II, P.L. 480	0560-AA96
33	1988-Crop Flue-Cured Tobacco Marketing Quotas	0560-AA98
34	1987-Crop Sugar Beets and Sugarcane Price Support Loan Rates	0560-AB01
35	Milk Price Support Level, Calendar Year 1988	0560-AB02
36	Milk Price Support Level, October 1, 1987, through December 31, 1990	0560-AB03
37	1988-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB06
38	1987-88 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas	0560-AB09
39	Notice of 1987-88 Application and Inspection Fees Under the 1987 Uniform Grain and Rice Storage Agreement	0560-AB11

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
40	National Average Loan Rates for 1985-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export Edible Sales Price for Additional Loan Peanuts	0560-AA31
41	1985 Price Support Level for Honey	0560-AA32
42	Regs. Relating to the Referral of Delinquent Debts to Credit Reporting Agencies	0560-AA50
43	National Average Loan Rates for 1986-Crop Quota and Additional Peanuts and CCC Sales Policy for 1986-1991 Crops of Peanuts	0560-AA63
44	1986 Price Support Levels for Six Kinds of Tobacco	0560-AA70
45	1986 Soybean Loan Program	0560-AA71
46	Conservation Reserve Programs Under the Food Security Act of 1985	0560-AA77
47	1986-Crop Peanuts National Poundage Quota	0560-AA80
48	1986-Crop Marketing Quotas and Price Support Levels for Burley Tobacco	0560-AA85
49	1986-Crop Flue-Cured Tobacco Marketing Quotas and Price Support Level	0560-AA86

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
50	Gypsy Moth - Outdoor Household Articles	0579-AA15

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
51	Revision of 7 CFR 319.56 - Fruits and Vegetables	0579-AA12
52	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pests	0579-AA16

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USDA

Cooperative State Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
53	Unified Guidelines for Biotechnology Research	0524-AA00

Farmers Home Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
54	Recapture of Section 502 Rural Housing Subsidy	0575-AA29

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
55	Suspension and Debarment Regulations	0575-AA02
56	Implement New Regulation Concerning Referral to Collection Agencies	0575-AA26
57	Rural Rental Housing Policies, Procedures and Authorizations	0575-AA28
58	Revisions of Procedure Regarding Prepayment of Multi-Family Housing Loans	0575-AA30

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
59	Restricting Insured and Guaranteed Farm Ownership and Operating Loans when Surplus Items Exist	0575-AA12
60	Strengthening the FmHA Business and Industrial Guaranteed Loan Program	0575-AA17
61	Revision of Construction Standards for FmHA Financed Housing	0575-AA21
62	FmHA Guarantees of Commercial Lender's Farm Ownership (FO) and Operating Loans (OL) with Accompanying Lender Principal Write Down and/or Interest Rate Reduction	0575-AA22
63	Changes to the FmHA Farmer Program Loan Making, Supervision and Servicing Regulations to Implement the Applicable Provisions of the "Food Security Act of 1985"	0575-AA23
64	Building Requirements and Design Features Emphasizing Cost Containment	0575-AA24
65	General Revision of Farmer Program Regulations	0575-AA27

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
66	Section 502 Rural Housing Loan Policies, Procedures and Authorizations For Financing Mobile/Manufactured Homes and Rural Rental Housing Loan Policies, Procedures, and Authorization	0575-AA05
67	Mobile/Manufactured Home Rental Projects	0575-AA08

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
68	Waiver Simplification: Food Stamp Program	0584-AA02
69	Food Distribution Program on Indian Reservations	0584-AA09

USDA

Food and Nutrition Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
70	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
71	Simplified Application and Standardized Benefits: Food Stamp Program	0584-AA62
72	Administration/Management: Food Stamp Program	0584-AA63
73	Quality Control System: Food Stamp Program	0584-AA64
74	Special Supplemental Food Program for Women, Infants, and Children: Funding Formula	0584-AA69
75	Special Supplemental Food Program for Women, Infants and Children: Administrative Funding Formula	0584-AA70

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
76	Issuance Loss Liability: Food Stamp Program	0584-AA05
77	Food Distribution Program	0584-AA07
78	Reimbursing Workfare's Administrative Costs: Food Stamp Program	0584-AA20
79	Emergency Food Assistance for Victims of Disasters	0584-AA24
80	Forfeiture Procedures/Bonding: Food Stamp Program	0584-AA40
81	Administrative Review Process and Quality Control Arbitration Procedures: Food Stamp Program	0584-AA46
82	Retailer/Wholesaler Provisions: Food Stamp Program	0584-AA67

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
83	Rewrite of Regulations on Determining Eligibility for Free and Reduced Price Benefits	0584-AA32
84	Management Evaluations and Corrective Action Plans: Food Stamp Program	0584-AA37
85	Rewrite of National School Lunch Program Regulations	0584-AA43
86	Proposal for a National Inventory System	0584-AA60
87	Employment and Training Requirements: Food Stamp Program	0584-AA65
88	Food Stamp Program: Thrifty Food Plan	0584-AA68

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
89	Administrative Regulations	0583-AA02
90	Red Meat Slaughter Regulations	0583-AA03
91	Transportation	0583-AA19

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
92	Swine Identification at Official Slaughtering Establishments	0583-AA25
93	Various Amendments to Accommodate Inspection of Meat Food Products Under Title IV of the Futures Trading Act of 1986	0583-AA26
94	Requirements for Partially Rendered Products	0583-AA27
95	Control of Salmonella and Other Enteric Bacteria in Meat and Poultry Processing	0583-AA28
96	Verification of Labeling Claims Concerning Raising of Livestock and Poultry	0583-AA29
97	Determination of Added Water in Cooked Sausages	0583-AA30

USDA

Food Safety and Inspection Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
98	Sulfonamides in Swine	0583-AA31

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
99	Standard for Frankfurters and Similar Cooked Sausages	0583-AA21

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
100	A Review of Recordkeeping and Reporting Requirement Regulations under the Federal Meat Inspection Act and the Poultry Products Inspection Act	0583-AA00
101	Labeling for Meat and Poultry Products with Cheese Substitutes, Revised Pizza Standard	0583-AA07
102	Canning of Meat and Poultry Products	0583-AA08
103	Definitions and Standards of Identity or Composition: Cooked Poultry Sausage	0583-AA10
104	Barbecue Standard	0583-AA12
105	Requirements for Mechanically Separated (Kind) Poultry Product and Products in Which It is Used	0583-AA15
106	Expansion of Operating Schedules for Total Quality Control Establishments	0583-AA16
107	Regulations Concerning the Irradiation of Pork for Trichina Control	0583-AA23

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
108	Amend 7 CFR 1493 to Provide for Intermediate Credit Guarantees Which Will Give U.S. Exporters or U.S. Banks Protection in the Event Foreign Banks Fail to Make Payment	0551-AA19
109	Determination of the Market Stabilization Price for Sugar for FY 1988	0551-AA20
110	Determination of Import Quotas on Sugar for Fiscal Year 1987	0551-AA21
111	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23

Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
112	Dairy Export Incentive Program	0551-AA22

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
113	Conservation of Fish, Wildlife, and their Habitats on the Copper/River Addition and Copper River-Bering River Portion, Chugach National Forest, Alaska	0596-AA41

USDA

Forest Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
114	Part 219 Planning	0596-AA50
115	Appeal of Decisions of Forest Officers	0596-AA51
116	Official Forest Service Insignia	0596-AA59

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
117	Entrance into Petersburg Watershed	0596-AA23
118	Land Status and Title Records	0596-AA24
119	Ingress to and Egress from National Forest System Lands	0596-AA31
120	Periodic Payments for National Forest Timber Sale Contracts	0596-AA33
121	Use Restrictions of National Forest Lands for the Protection of Municipal Water Supplies	0596-AA34
122	Range Management - Grazing and Livestock Use and Management of Wild-Free-Roaming Horses and Burros	0596-AA35
123	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
124	Control of Skewed Bidding on National Forest Timber Sales	0596-AA37
125	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails	0596-AA38
126	Revise the Definition of "Mechanical Transport" at 36 CFR 293.6(a)	0596-AA39
127	Land Exchanges	0596-AA42
128	Disposal of Mineral Materials	0596-AA44
129	Timber Sale Contract Form Revision and Publishing of Policy Forms FS-2400-6 and 2400-6T	0596-AA45
130	Leasable Mineral Regulations	0596-AA46
131	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
132	Locatable Minerals	0596-AA49
133	Indian Allotments on National Forest System Lands	0596-AA52
134	Recreation Residence Authorizations	0596-AA53
135	Create a New Subpart C to 36 CFR 264 Entitled National Scenic and Historic Trail Symbols	0596-AA54
136	Grazing Fees; Eastern and Southern Regions	0596-AA55
137	Ski Area Term Permits	0596-AA57

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
138	Debarment and Suspension of Timber Sale Contractors	0596-AA09
139	Small Business Timber Sale Set Aside Program	0596-AA43
140	Prohibitions; Possession and Storage of Food and Refuse in Certain National Forest Areas	0596-AA48
141	Prohibitions; Fossil Collecting	0596-AA56
142	Appeal of Decisions of Forest Officers; Revision of Stay Procedures	0596-AA58
143	Non-Competitive Disposal of Mineral Materials	0596-AA60

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
144	Range Management-Grazing and Livestock Use and Management of Wild-Free-Roaming Horses and Burros	0596-AA14
145	Special Uses of National Forest System Lands	0596-AA20
146	Young Adult Conservation Corps	0596-AA26
147	Experimental Areas and Research Natural Areas	0596-AA30
148	Youth Conservation Corps	0596-AA32
149	Fee Policy for Linear Rights-of-Way	0596-AA40

USDA

Office of Finance and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
150	Amend USDA Uniform Federal Assistance Regulations	0505-AA01

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
151	Relocation Assistance	0578-AA12
152	Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-Assisted Programs	0578-AA13

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
153	Soil Surveys	0578-AA00
154	Snow Surveys and Water Supply Forecasts	0578-AA01
155	Prime and Unique Farmlands	0578-AA10
156	Farmland Protection Policy Act	0578-AA14

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Marketing Service (AMS)

1. MOHAIR STANDARDS

Legal Authority: Agricultural Marketing Act of 1946; 60 Stat. 1087 to 1091; 7 USC 1621 et seq

CFR Citation: 7 CFR 32

Legal Deadline: None.

Abstract: Combine grade standards for mohair and mohair top into one standard. (AMS 84-014)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Tilli Fox, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA06

2. WOOL STANDARDS

Legal Authority: 7 USC 1621 et seq; 7 USC 1622; 7 USC 1624; 29 FR 16210; 30 FR 1260, as amended; 30 FR 2160

CFR Citation: 7 CFR 31

Legal Deadline: None.

Abstract: Combine grade standards for grease wool and wool top into one standard. (AMS 84-016)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Tilli Fox, Reg Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA12

3. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act

CFR Citation: 7 CFR 26 to 209

Legal Deadline: None.

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Tilli Fox, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA19

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

4. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None.

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA38

5. NATIONAL AVERAGE LOAN RATES FOR 1987-CROP QUOTA AND ADDITIONAL PEANUTS

Legal Authority: 7 USC 1445c-2; 7 USC 1423; Ag Act of 1949, Sec. 108B

CFR Citation: Not applicable

Legal Deadline: Statutory, February 15, 1987.

Abstract: This action is required by legislation, which provides a formula for computing the quota support level and guidelines for determining the additional support level. The objective is to support farm income and stabilize prices. (ASCS 86-031)

Timetable:

Action	Date	FR Cite
Announcement	02/13/87	
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA61

6. 1987-CROP HONEY PRICE SUPPORT PROGRAM

Legal Authority: 7 USC 1446; Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None.

Abstract: The Food Security Act of 1985 requires that 1987-crop honey be supported at 63 cents per pound. The Act also provides the Secretary discretion to conduct a marketing loan program. The objective of the marketing loan concept is to (1) minimize the number of loan forfeitures, (2) avoid excessive stocks of honey, (3) reduce the costs incurred by the Federal Government in storing honey, and (4) maintain the competitiveness of honey in domestic and export markets. (ASCS 86-028)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA73

7. COMMON PROGRAM PROVISIONS FOR THE 1988 WHEAT, FEED GRAINS, COTTON AND RICE PROGRAMS

Significance: Agency Priority

Legal Authority: 7 USC 1441-1; 7 USC 1444-1; 7 USC 1444-b; 7 USC 1445b-3; 7 USC 1461 to 1469; Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Legal Deadline: Statutory, June 1, 1987. (Acreage Reduction Percentage for Wheat Only)

Abstract: To make and implement determinations that are common to each of the 1988 wheat, feed grains, cotton and rice programs.

Determinations are to be made on (1) the enrollment period (universal or staggered for each program), (2) production of approved non-program crops on underplanted program crop permitted acreage, (3) production of alternative crops on reduced acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of ten percent of a farm's acreage base between program commodity base acreage, (8) consideration of actual 1988-crop yields in establishing a subsequent year's program payment yield, (9) procedure for crediting prevented planting and failed acreage, and (10) advance deficiency and diversion payments. (ASCS 86-057)

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	
Final Action	05/29/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA89

8. 1988 RICE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1441; The Agricultural Act of 1949, as amended Sec 101

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory, January 31, 1988.

Abstract: To provide an adequate rice supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-058)

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA90

9. 1988 WHEAT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1445b-3; The Agricultural Act of 1949, as amended, Sec 107D

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.460 to 1421.471; 7 CFR 1421.700 to 1421.714

Legal Deadline: Statutory, June 1, 1987. (Acreage Reduction Percentage Only)

Abstract: To provide an adequate wheat supply for domestic and foreign utilization, increase the competitiveness of U.S. exports, and comply with statutory requirements. (ASCS 86-059)

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	
Final Action	05/29/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA91

10. 1988 FEED GRAIN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444e; The Agricultural Act of 1949, as amended, Sec 105C and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.90 to 1421.100; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1987. (Acreage Reduction Percentage Only)

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-060)

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA92

11. 1988 UPLAND COTTON PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444-1, Ag Act of 1949, as amended Sec. 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1987.

Abstract: To assure sufficient supplies of upland cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-061)

Timetable:

Action	Date	FR Cite
NPRM	08/01/87	
Final Action	10/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA93

12. 1987 SOYBEAN LOAN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421.1 to 1421.29; 7 CFR 1421.365 to 1421.374

Legal Deadline: Statutory, October 1, 1987.

Abstract: To assure sufficient supplies for domestic and export use, and comply with statutory requirements. (ASCS 86-062)

Timetable:

Action	Date	FR Cite
NPRM	08/03/87	
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA95

13. 1987 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Legal Authority: 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 1464

Legal Deadline: None.

Abstract: To stabilize tobacco prices and comply with statutory requirements. (ASCS 86-063)

Timetable:

Action	Date	FR Cite
NPRM	04/10/87	
Final Action	06/26/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA97

14. 1988 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); The Agricultural Act of 1949, as amended Sec 103(h)

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1987.

Abstract: To assure sufficient supplies of extra long staple cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-065)

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	
Final Action	12/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA99

15. ● 1988-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); The Agricultural Act of 1949, as amended, Sec. 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None.

Abstract: Legislation requires that 1988-crop honey be supported at 95 percent of the 1987 level, or $0.5985 per pound. It also provides the Secretary the discretion to allow loan repayment at a lower rate. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of honey in domestic and export markets. Alternatives to be considered are: the type of support to offer, whether loans, purchases, or loans and purchases, and whether to implement the lower repayment provision. Government costs under the lower repayment provision

would be expected to be under $60 million.

Timetable:

Action	Date	FR Cite
NPRM	01/18/88	
Final Action	04/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Progam Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB04

16. ● 1988 WOOL AND MOHAIR PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended by; PL 99-198, Sec 201 The Food Security Act of 1985

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None.

Abstract: This action will encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner that will ensure a viable domestic wool industry, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is determined by statutory formula. The support level for mohair must be set at a level not more than 15 percent above, or below the comparable percentage of parity at which shorn wool is supported. The expected cost to Government will be between $100 and $200 million.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
Final Action	12/31/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB05

17. ● 1988-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR MINOR KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Act of 1938, as amended, Sec 312-313

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, March 1, 1988.

Abstract: Marketing quotas and acreage allotments are required by legislation. Their objective is to balance supply with demand at levels that ensure stable supplies for domestic and export use. This action is expected to result in a net receipt to the Government of approximately $8 million.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
Final Action	03/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB07

18. ● 1988-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

Significance: Agency Priority

Legal Authority: 7 USC 1423; Agricultural Act of 1949, Sec. 403; 15 USC 714c; Commodity Credit Corporation Charter Act, Sec. 5

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The Secretary of Agriculture is authorized to make appropriate adjustments in the support price for peanuts for differences in grade, type, quality, location, and other factors to ensure that price support levels are representative of the market values of the various types. The average of the price support levels must, as far as is practicable, equal the national average price support level as determined by legislation. No alternatives are considered and the cost to Government will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	
Final Action	03/31/88	

Small Entity: No

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB08

19. ● 1987 CCC COTTON LOAN PROGRAM REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 714b to 714c; Commodity Credit Corporation Charter Act, Sec's 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None.

Abstract: This action will incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1987 that are approved by the joint Cotton Industry Bale Packaging Committee and are acceptable to CCC. The alternative is to publish the specifications in the regulations instead of incorporation by reference. No impact on Government outlays is expected.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	
Final Action	07/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB10

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

20. 1987 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444 to 1445; Ag Act of 1949, as amended Sec. 105, 107, and 424

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1986.

Abstract: The object of this action is to provide an adequate feed grain supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-043)

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26452
Announcement	09/29/86	
Announcement	10/24/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA59

21. 1987 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); Ag Act of 1949 Sec 103(h); as amended by Sec 507 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1986.

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-029)

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30886
Announcement	11/21/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA60

22. 1987 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1; Ag Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1986.

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-045)

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30889
Announcement	09/29/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA64

23. 1987 WOOL AND MOHAIR PROGRAM

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None.

Abstract: To encourage the continued domestic production of wool by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. (ASCS 86-038)

Timetable:

Action	Date	FR Cite
NPRM	12/30/86	51 FR 47035
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA65

24. 1987-CROP FLUE-CURED TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Legal Authority: 7 USC 1312; The Agricultural Act of 1938, as amended, Sec 312-313; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, December 15, 1986.

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers. (ASCS 86-035)

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39768
Announcement	12/12/86	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA67

25. 1987-CROP BURLEY TOBACCO MARKETING QUOTAS

Legal Authority: 7 USC 1301 et seq; Ag Adjustment Act of 1938, as amended, Sec 301 et seq

CFR Citation: Not applicable

Legal Deadline: Statutory, February 1, 1987.

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels that assure stable supplies for domestic and export use. Possible quota levels range from the minimum statutory level (90% of estimated use) to a somewhat higher level. (ASCS 86-037)

Timetable:

Action	Date	FR Cite
NPRM	01/08/87	52 FR 00693
Announcement	02/02/87	

Next Action Undetermined

Small Entity: Not Applicable

USDA—ASCS **Final Rule Stage**

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA68

26. 1987 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441-1; Ag Act of 1949, as amended Sec 101A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory, January 31, 1987.

Abstract: The object of this action is to provide an adequate rice supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-047)

Timetable:

Action	Date	FR Cite
NPRM	08/22/86	51 FR 30083
Announcement	10/24/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA72

27. PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

Legal Authority: 7 USC 1446; Ag Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: Statutory, October 1, 1986.

Abstract: The 1949 Act, as amended by the Food Security Act of 1985, requires the Secretary to support the price of domestically grown sugarcane and sugar beets through a nonrecourse loan program effective for the 1986 through 1990 crops. The object of this action is to develop program and operation provisions for administering a sugar price support program. (ASCS 86-048)

Timetable:

Action	Date	FR Cite
Announcement	10/01/86	
Interim Final Rule	10/29/86	51 FR 39507

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA74

28. 1987-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Legal Authority: 7 USC 1358; Ag Act of 1938, Sec 358

CFR Citation: Not applicable

Legal Deadline: Statutory, December 15, 1986.

Abstract: This action is required by legislation, which provides a formula for computing the National quota. The quota must equal the amount devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The objective is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income. (ASCS 86-033)

Timetable:

Action	Date	FR Cite
NPRM	11/20/86	51 FR 41990
Announcement	12/12/86	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA79

29. 1987 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1332 to 1338; 7 USC 1445 et seq; 7 USC 1433c; Ag Adjustment Act of 1938 as amended, Sec 338; Ag Act of 1949 as amended, Sec 107 and 424

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Legal Deadline: Statutory, June 1, 1986.

Abstract: The object of this action is to provide an adequate wheat supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-041)

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17601
Announcement	05/30/86	
Announcement	06/30/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA82

30. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROGRAMS

Legal Authority: 16 USC 3801 to 3822; 16 USC 3841 to 3845; PL 98-198; Sections 1201-1223 and 1241-1245, The Food Security Act of 1985

CFR Citation: 7 CFR 703, (New)

Legal Deadline: Statutory, June 20, 1986.

Abstract: This action is needed to set forth the terms and conditions of the Highly Erodible Land and the Wetland Conservation Programs as required by the Food Security Act of 1985. Under these programs a producer who, after 12/23/85, produces an agricultural commodity on a field defined as highly erodible or on wetland converted after 12/23/85 will be ineligible for any designated USDA program benefits. However, during the period from 12/23/85 to the later of 1/1/90 or 2 years after a producer's field is mapped by SCS for purposes of classifying such land, such producer will not be ineligible for program benefits for highly erodible land that had been cultivated to produce any of the 1981-85 crops, or set aside, diverted or otherwise not cultivated under a USDA production adjustment program. Certain other exemptions from the ineligibility provisions will also apply. (ASCS 86-051)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/27/86	51 FR 23496

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 447-4636

RIN: 0560-AA88

31. COMMON PROGRAM PROVISIONS FOR THE 1987 WHEAT, FEED GRAINS, COTTON AND RICE PROGRAMS

Significance: Agency Priority

Legal Authority: Agricultural Adjustment Act of 1938; and Agricultural Act of 1949, as amended by; PL 99-198, The Food Security Act of 1985; PL 99-253, The Food Security Act of 1985: Amendments and; PL 99-260, The Food Security Improvements Act of 1986

CFR Citation: Not yet determined

Legal Deadline: Statutory, June 1, 1986.

Abstract: To make and implement determinations that are common to each of the 1987 Wheat, Feed Grains, Cotton and Rice Programs. Determinations are to be made on (1) the enrollment period (universal or staggered for each program), (2) production of approved non-program crops on underplanted program crop permitted acreage, (3) production of alternative crops on reduced acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of 10 percent of a farm's acreage base between program commodity base acreages, (8) consideration of actual 1987-crop yields in establishing a subsequent year's program payment yield, (9) procedure for crediting prevented planting and failed acreage, and (10) advance deficiency and diversion payments. (ASCS 86-053)

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17598
Announcement	05/30/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA94

32. REGULATIONS FOR PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATIONS UNDER TITLE II, P.L. 480

Legal Authority: PL 480 Ag Trade Development and Assistance Act of 1954; as amended, Title II; 7 USC 1721 et seq

CFR Citation: 7 CFR 1496

Legal Deadline: None.

Abstract: This action would amend the regulation to clarify that lowest landed cost may be on a U.S. flag basis to more efficiently comply with cargo preference requirements. (ASCS 86-054)

Timetable:

Action	Date	FR Cite
NPRM	07/21/86	51 FR 26164

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA96

33. 1988-CROP FLUE-CURED TOBACCO MARKETING QUOTAS

Legal Authority: 7 USC 1311 to 1313; Agricultural Adjustment Act of 1938, as amended; Sec 311 to 313

CFR Citation: 7 CFR 725

Legal Deadline: Statutory, December 15, 1987.

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels assuring stable supplies for domestic and export use. (ASCS 86-064)

Timetable:

Action	Date	FR Cite
Final Action	12/11/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA98

34. ● 1987-CROP SUGAR BEETS AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Agency Priority

Legal Authority: 7 USC 1446; The Agricultural Adjustment Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: None.

Abstract: Legislation requires the Secretary to support the price of domestically grown sugar beets and sugarcane through a nonrecourse loan program. This action will set forth (1) the loan rates applicable to 1987-crop sugar beets and sugarcane, and (2) the 1987-crop minimum price support levels that processors are required to pay to growers. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB01

35. ● MILK PRICE SUPPORT LEVEL, CALENDAR YEAR 1988

Significance: Agency Priority

Legal Authority: 7 USC 1446(d); The Agricultural Act of 1949, as amended, Sec. 201(d)(1)(E)

CFR Citation: 7 CFR 1430

Legal Deadline: Statutory, January 1, 1988.

Abstract: Legislation requires that, if estimated price support purchases for 1988 exceed 5 billion pounds (milk equivalent, fat basis), the Secretary shall reduce the support price by $0.50 per hundredweight (cwt), and if estimated purchases do not exceed 2.5 billion pounds, shall increase the support price by $0.50/cwt. The cost to Government is expected to be approximately $1 billion.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	

Small Entity: No

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program

Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB02

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36. ● MILK PRICE SUPPORT LEVEL, OCTOBER 1, 1987, THROUGH DECEMBER 31, 1990

Significance: Agency Priority

Legal Authority: 7 USC 1446(d); The Agricultural Act of 1949, as amended, Sec. 201(d)

CFR Citation: 7 CFR 1430

Legal Deadline: Statutory, October 1, 1987.

Abstract: Legislation requires that the price of milk shall be supported during the period 10/01/87 through 12/31/90 at $11.60 per hundredweight (cwt) for milk containing 3.67 percent milkfat. It also requires the termination of the $0.75/cwt reduction in the support price as of 09/30/87. Under certain circumstances, the support price may be changed for calendar years 1988-90. Any changes in the support price for calendar years 1988-90 will be covered in separate actions. The cost to Government is expected to be approximately $1 billion per year.

Timetable:

Action	Date	FR Cite
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB03

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37. ● 1988-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1312; The Agricultural Act of 1938, as amended, Sec 312 to 313; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, February 1, 1988.

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers.

Timetable:

Action	Date	FR Cite
Final Action	01/31/88	

Small Entity: No

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB06

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38. ● 1987-88 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Adjustment Act of 1938, as amended, Sec. 314

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This action will announce the penalty rates for all kinds of tobacco for the 1987-88 marketing year. By statute, the penalty must be set equal to 75 percent of the previous year's average market price. Tobacco producers, warehousemen, and dealers need to be apprised of the penalty rates prior to the beginning of the marketing year. No alternatives are considered and no impact on Government outlays is expected.

Timetable:

Action	Date	FR Cite
Final Action	05/29/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB09

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39. ● NOTICE OF 1987-88 APPLICATION AND INSPECTION FEES UNDER THE 1987 UNIFORM GRAIN AND RICE STORAGE AGREEMENT

Significance: Agency Priority

Legal Authority: 15 USC 714c; Commodity Credit Corporation Charter Act, Sec 5

CFR Citation: 7 CFR 1421

Legal Deadline: None.

Abstract: All grain and rice warehousemen who do not have an existing UGSA or URSA with CCC for the storage and handling of CCC-owned commodities or commodities pledged to CCC as loan collateral but who desire such an agreement must pay an application and inspection fee for each warehouse for which CCC approval is sought prior to CCC conducting the original warehouse examination. The fees are charged to defray the costs of examinations. If fees were not charged, they would become an expense to CCC. There is no expected cost to Government of this action.

Timetable:

Action	Date	FR Cite
Final Action	04/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB11

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

40. NATIONAL AVERAGE LOAN RATES FOR 1985-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT EDIBLE SALES PRICE FOR ADDITIONAL LOAN PEANUTS

CFR Citation: 7 CFR 729; 7 CFR 1446

Completed:

Reason	Date	FR Cite
Announcement	02/14/85	

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA31

41. 1985 PRICE SUPPORT LEVEL FOR HONEY

CFR Citation: 7 CFR 1434

Completed:

Reason	Date	FR Cite
Announcement	03/29/85	

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA32

42. REGS. RELATING TO THE REFERRAL OF DELINQUENT DEBTS TO CREDIT REPORTING AGENCIES

CFR Citation: 7 CFR 1403

Completed:

Reason	Date	FR Cite
Final Action	12/30/86	51 FR 46993

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA50

43. NATIONAL AVERAGE LOAN RATES FOR 1986-CROP QUOTA AND ADDITIONAL PEANUTS AND CCC SALES POLICY FOR 1986-1991 CROPS OF PEANUTS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	11/12/86	51 FR 40993

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA63

44. 1986 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

CFR Citation: 7 CFR 1464

Completed:

Reason	Date	FR Cite
Final Action	01/30/87	52 FR 03034

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA70

45. 1986 SOYBEAN LOAN PROGRAM

CFR Citation: 7 CFR 1421.365 to 1421.374

Completed:

Reason	Date	FR Cite
Final Action	10/16/86	51 FR 36834

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA71

46. CONSERVATION RESERVE PROGRAMS UNDER THE FOOD SECURITY ACT OF 1985

CFR Citation: 7 CFR 704

Completed:

Reason	Date	FR Cite
Final Action	02/11/87	52 FR 04265

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA77

47. 1986-CROP PEANUTS NATIONAL POUNDAGE QUOTA

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	11/12/86	51 FR 40992

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA80

48. 1986-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR BURLEY TOBACCO

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Announcement Price Support Level	11/06/86	

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA85

49. 1986-CROP FLUE-CURED TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	08/12/86	51 FR 28850

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA86

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

50. GYPSY MOTH - OUTDOOR HOUSEHOLD ARTICLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd; 7 USC 150ee; 7 USC 161; 7 USC 162

CFR Citation: 7 CFR 301.45

Legal Deadline: None.

Abstract: The Department has been regulating the movement of outdoor household articles (OHA) out of those areas in the northeast which are

USDA—APHIS **Proposed Rule Stage**

regulated for gypsy moth. The (OHA) regulations have been in place since 1983. The current program requires that no life stages of the pest be moved out of those areas. Owners of OHA can either inspect the articles themselves and remove any life stages found or can contact a qualified certified applicator (OCA) and pay for the services necessary to rid the articles of gypsy moth. The program, despite a massive educational campaign using various media, has not lived up to expectations. At best, the Agency is experiencing only 50 percent compliance. This information is based on random spot checks of moving vans leaving the infested northeast. The Agency is considering ways to improve the compliance rate to at least 70 percent. Alternatives being considered include mandatory inspection by qualified certified applicators; mandatory written certification of inspection by the owner of the OHA; and increased public notification and awareness. (86-021)

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
Final Action	07/01/87	

Small Entity: No

Agency Contact: Steven B. Farbman, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA15

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Animal and Plant Health Inspection Service (APHIS)

51. REVISION OF 7 CFR 319.56 - FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to ff; 7 USC 159; 7 USC 162

CFR Citation: 7 CFR 319.56

Legal Deadline: None.

Abstract: An increased number of exotic pests have been introduced recently into the United States. Some of these pests may have arrived on importations of fruits and vegetables. Since these pests are capable of causing extensive economic damage, Plant Protection and Quarantine (PPQ) is considering the development of an improved system for determining the entry status of agricultural products, particularly fruits and vegetables. (APHIS 85-008)

Timetable:

Action	Date	FR Cite
Final Action	03/01/87	
NPRM	06/01/87	
NPRM Comment Period End	08/01/87	
Final Action Effective	11/01/87	

Small Entity: No

Agency Contact: Steven B. Farbman, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA12

52. INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS

Significance: Regulatory Program

Legal Authority: 7 USC 150aa to 150jj; 7 USC 151 to 164

CFR Citation: 7 CFR 340, Proposed

Legal Deadline: None.

Abstract: Trade in organisms and products altered or produced through genetic engineering may introduce and disseminate plant diseases and pests in the United States which pose a threat to U.S. agriculture and the environment if the introduction and dissemination of these genetically engineered articles are not regulated. The articles themselves, the cultures in which they are transported, or their packaging may be contaminated with plant pests. Some genetically engineered organisms and products are plant pests or there is reason to believe such organisms and products are plant pests. It is necessary, therefore, to establish regulatory control over genetically engineered organisms and products which are plant pests or which there is reason to believe are plant pests. (APHIS 86-015)

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23352
NPRM Comment Period End	09/26/86	
Final Action	03/15/87	

Small Entity: No

Agency Contact: Steven B. Farbman, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA16

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Cooperative State Research Service (CSRS)

53. UNIFIED GUIDELINES FOR BIOTECHNOLOGY RESEARCH

Legal Authority: PL 99-198 Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The purpose of these guidelines is to specify required laboratory, agricultural, and environmental practices for constructing, handling, and experimental testing of plants, animals, and selected microorganisms involved in agricultural biotechnology research. These guidelines are necessary to assure the safety of agricultural ecosystems in which genetically engineered organisms may be released from physical containment. Compliance with the guidelines will be obligatory for all entities which receive research support from USDA and it will be

USDA—CSRS **Proposed Rule Stage**

voluntary for other entities. The guidelines are promulgated under the authority of the Food Security Act of 1985 (P.L. 99-198) and they are patterned after the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958) (CSRS 86-001).

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: William S. Smith, Regulatory Coordinator, Department of Agriculture, Cooperative State Research Service, Room 017 Justin Smith Morrill Bldg., Washington, DC 20251-0900, 202 475-4964

RIN: 0524-AA00

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Prerule Stage

54. ● RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1951

Legal Deadline: None.

Abstract: FmHA proposes to revise regulations regarding the recapture of subsidy granted on Section 502 rural housing loans. This action is necessary as current FmHA regulations pertaining to same are confusing to the general public and our borrowers. The intended effect of this action is to shorten and simplify the method of calculating recapture.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/87	
ANPRM Comment Period End	08/01/87	
Final Action	11/01/87	
Final Action Effective	12/01/87	

Small Entity: No

Agency Contact: Chris Gottelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, 202 382-9744

RIN: 0575-AA29

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Proposed Rule Stage

55. SUSPENSION AND DEBARMENT REGULATIONS

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Legal Deadline: None.

Abstract: This regulatory activity will improve FmHA's suspension and debarment system by establishing regulations that are compatible with other federal agency regulations. (FmHA 82-004)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: Agency action deferred until GSA completes study and regulation which applies to all agencies.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA02

56. IMPLEMENT NEW REGULATION CONCERNING REFERRAL TO COLLECTION AGENCIES

Legal Authority: 7 USC 1989; 42 USC 1480

CFR Citation: 7 CFR 1951

Legal Deadline: None.

Abstract: The objective is to contract with collection agencies for the collection of amounts delinquent on non-program loans and collection-only accounts. (FmHA 86-011)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: The continuing resolution for Fiscal Year 1987 can be interpreted as prohibiting Farmers Home Administration from entering into additional agreements to refer delinquent borrowers to collection agencies. Therefore, no activity is expected on this initiative this year.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA26

57. RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None.

Abstract: The objectives are to address the following: (1) A congressional concern that the Agency is to provide prompt services for processing applications and loan management. Prompt services can be provided by utilizing the commercial services of technicians and specialists outside of the Agency, with the Agency providing oversight and monitoring. (2) An Administration's concern that the recipients of the specialized services

provided through the loan process begin to pay for these services. With the exception of nonprofit applicants, each applicant will be charged a fee for the services provided. The rate of 1/2 percent of the loan amount will capture the major expenses for services and most of the contractual costs provided by the Agency. (3) An Agency need to reduce the impact of technical services on the District and State staff resources. The State Director has been given the authority to use qualified contractors from outside the Agency under the requirements and limitations of a service contract and FmHA Regulations. To use contractors an established contract monitoring system must be established in the State. (FmHA 86-012)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA28

58. ● REVISIONS OF PROCEDURE REGARDING PREPAYMENT OF MULTI-FAMILY HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1980; 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1930-C; 7 CFR 1944; 7 CFR 1965; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None.

Abstract: The purpose of these regulation changes are to alleviate problems created for tenants when rural rental housing borrowers prepay their loans and remove the housing from the low and moderate-income market. This will be done by requiring one-year leases in all projects; transferring rental assistance to projects to which displaced tenants are moving for use of these tenants; extending the notification period to tenants who will be affected by prepayment and the period in which they can apply for a letter of priority. None of these changes will require legislative change or additional allocation of funds.

Timetable:

Action	Date	FR Cite
NPRM	03/06/87	
Final Action	05/30/87	
Final Action Effective	06/30/87	

Small Entity: No

Additional Information: One time only, as required, request to prepay or request for priority letters. Estimate less than 400 hours of public reporting burden involved with the proposed change.

Public Compliance Cost: Yearly Recurring Cost: $4,000; Base Year for Dollar Estimates: 1987

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S., Washington, DC 20250, 202 382-9744

RIN: 0575-AA30

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Final Rule Stage

59. RESTRICTING INSURED AND GUARANTEED FARM OWNERSHIP AND OPERATING LOANS WHEN SURPLUS ITEMS EXIST

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1941; 7 CFR 1943; 7 CFR 1980

Legal Deadline: None.

Abstract: The Federal Government has had many different programs in an attempt to regulate the supply of agricultural commodities. The problem is to find a way to have an adequate supply of agricultural commodities without creating surpluses or shortages.

The Agency has changed its regulations to allow the Administrator of FmHA to restrict loans that will be used to increase the production of selected agricultural commodities - to be determined through objective criteria - when the United States Department of Agriculture is taking action to reduce production and/or has a program for supporting prices and/or has some other subsidy program for the selected agricultural commodity. This will save the applicant and the Agency the work, time, and the expense involved in processing applications for which a feasible plan of operation cannot be developed. The change in regulations will help eliminate the number of applications that have to be fully processed and then rejected. (FmHA 84-016)

Timetable:

Action	Date	FR Cite
NPRM	12/02/85	50 FR 49395
Interim Final Rule	06/19/86	51 FR 22272
Final Action	10/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA12

60. STRENGTHENING THE FMHA BUSINESS AND INDUSTRIAL GUARANTEED LOAN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None.

Abstract: FmHA needs to fulfill the provisions of OMB Circular A-70 as they relate to FmHA's Business and Industrial (B&I) Guaranteed Loan program. There are weaknesses in the program's requirements for overall credit terms, evaluations, and servicing. Existing provisions of FmHA regulations must be modified or deleted to address the identified problems. The Agency proposes to rewrite and/or amend FmHA Instructions 1980-A and 1980-E in order to make administrative and public procedural changes for strengthening overall credit terms, evaluations, and servicing requirements of the FmHA B&I Guaranteed Loan program. (FmHA 85-002)

Timetable:

Action	Date	FR Cite
NPRM	04/17/86	51 FR 13008
Final Action	03/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA17

61. REVISION OF CONSTRUCTION STANDARDS FOR FMHA FINANCED HOUSING

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Legal Deadline: None.

Abstract: FmHA will adopt an official standard within each FmHA State Office jurisdiction. The State's legally adopted code will be used if (1) it is based on one of the voluntary national model building codes, or (2) it is equivalent to those codes. If a State code is not used, FmHA State Directors will determine which of the model codes is most prevalent and appropriate for the area and adopt that as FmHA's code for the area. (FmHA 81-014)

Timetable:

Action	Date	FR Cite
NPRM	03/17/86	51 FR 9014
Final Action	03/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA21

62. FMHA GUARANTEES OF COMMERCIAL LENDER'S FARM OWNERSHIP (FO) AND OPERATING LOANS (OL) WITH ACCOMPANYING LENDER PRINCIPAL WRITE DOWN AND/OR INTEREST RATE REDUCTION

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None.

Abstract: The general objective of the proposed action is to integrate Government and Private Sector resources in a continual effort to resolve financial difficulties in agriculture. The proposed action amends the debt adjustment program regulations for guaranteed OL and FO loans to clarify the dollar value equivalency of an interest rate reduction used in lieu of a required 10 percent minimum write down of the total principal and interest outstanding on loan(s) which a lender wants guaranteed; to reduce the minimum positive cash flow requirement under the DAP from 110 percent to 100 percent and to permit lenders to use a combination write down of principal of indebtedness along with an interest rate reduction which would equal the value of an upfront write down of existing indebtedness of at least 10 percent. The intended effect of this action is to provide additional financial assistance to both lenders and their farm borrowers in a time of financial difficulty. (FmHA 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/85	50 FR 9987
Final Action	08/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA22

63. CHANGES TO THE FMHA FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT THE APPLICABLE PROVISIONS OF THE "FOOD SECURITY ACT OF 1985"

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1900; 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1955; 7 CFR 1980

Legal Deadline: Statutory, March 31, 1986. For Interim Final Rule published 4/21/86.

Abstract: Most of the provisions of the Food Security Act of 1985 are mandated by the Act. The major effects will be to insure that the agency provides prompt service to applicants and borrowers, reduce the need and size of the emergency loan program, provide for additional ways that borrowers may continue farming, provide a home during the transition from farming to other employment, preserve the family farm, protect the national food supply, and provide for conservation of less productive land. (FmHA 86-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/18/86	51 FR 9174
Interim Final Rule	04/21/86	51 FR 13437
Final Action	09/00/87	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA23

64. BUILDING REQUIREMENTS AND DESIGN FEATURES EMPHASIZING COST CONTAINMENT

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None.

Abstract: The objectives of the action would make the FmHA housing program available to a greater number of very low income persons and simultaneously reduce the overall cost of the program to the government. (FmHA 86-003)

Timetable:

Action	Date	FR Cite
NPRM	07/22/86	51 FR 26256
Final Action	03/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA24

65. GENERAL REVISION OF FARMER PROGRAM REGULATIONS

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1951; 7 CFR 1965; 7 CFR 1980

Legal Deadline: None.

USDA—FmHA

Final Rule Stage

Abstract: The need for the action is to allow the Administrator more flexibility in management of Farmer Program loans, strengthen and clarify noted weaknesses in existing regulations, remove obsolete and unfunded regulations. (FmHA 86-012)

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 1706
NPRM Comment Period End	02/17/87	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA27

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Farmers Home Administration (FmHA)

66. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS FOR FINANCING MOBILE/MANUFACTURED HOMES AND RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATION

CFR Citation: 7 CFR 1924; 7 CFR 1944

Completed:

Reason	Date	FR Cite
Final Action	11/18/86	51 FR 41597
Final Action Effective	12/18/86	51 FR 41597

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA05

67. MOBILE/MANUFACTURED HOME RENTAL PROJECTS

CFR Citation: 7 CFR 1944

Completed:

Reason	Date	FR Cite
Final Action	11/18/86	51 FR 41597
Final Action Effective	12/18/86	

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA08

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Food and Nutrition Service (FNS)

68. WAIVER SIMPLIFICATION: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2014(b)

CFR Citation: 7 CFR 273; 7 CFR 273.21

Legal Deadline: None.

Abstract: This rule modifies Food Stamp regulations to reflect concerns raised about the effect of the numerous waiver requests by State agencies. In particular, Monthly Reporting and Retrospective Budgeting is reviewed to eliminate numerous waivers through incorporation of different or broader principles. (FNS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	07/30/87	
Final Action	01/30/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA02

69. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2013(b)

CFR Citation: 7 CFR 253

Legal Deadline: None.

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA09

70. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f)

CFR Citation: 7 CFR 273

Legal Deadline: None.

Abstract: This rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both program's rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	07/31/87	
Final Action	02/28/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA52

71. SIMPLIFIED APPLICATION AND STANDARDIZED BENEFITS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 2011 to 2027; 91 Stat 958

CFR Citation: 7 CFR 282.19

Legal Deadline: None.

Abstract: This rule addresses the simplified application and standardized benefit provisions contained in the Food Security Act of 1985. These provisions should result in reductions in administrative costs and, depending on the benefit standardization procedures used, significant reductions in error rates. (FNS 86-010)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA62

72. ADMINISTRATION/MANAGEMENT: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Secs 1524, 1530, 1526, 1535, 1539

CFR Citation: 7 CFR 272.4; 7 CFR 272.3; 7 CFR 273.18; 7 CFR 275.15

Legal Deadline: Statutory, April 1, 1987.

Abstract: This regulation implements the following five provisions of the Food Security Act of 1985: (1) sets standards for the periodic review of food stamp offices' hours of operation; (2) requires State agencies to encourage participation in the Expanded Food and Nutrition Education Program (EFNEP); (3) requires project areas with 5,000 or more households to establish units to detect fraud; (4) allows State agencies to enter into agreements with State agencies administering Unemployment Compensation laws so that food stamp State agencies can collect outstanding claims by withholding unemployment benefits and/or other methods of collecting claims when recoupment is not an available method; (5) requires the Department to require State agencies to change the certification procedures used in project areas where it is determined that payment error rates are impairing the integrity of the program. (FNS 86-011)

Timetable:

Action	Date	FR Cite
NPRM	03/09/87	52 FR 7158
Final Action	09/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA63

73. QUALITY CONTROL SYSTEM: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Sec 1538 (99 Stat. 1354, 1587), as amended by; PL 99-260, Sec 12 (100 Stat. 45, 52)

CFR Citation: 7 CFR 275

Legal Deadline: Statutory, November 14, 1987.

Abstract: This rule will make any changes to the quality control (QC) system made necessary by the requirements in the Food Security Act of 1985. (FNS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA64

74. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN: FUNDING FORMULA

Significance: Agency Priority

Legal Authority: 42 USC 1786; PL 99-500, Sec 348; PL 99-591, Sec 348

CFR Citation: 7 CFR 246.2; 7 CFR 246.16(b); 7 CFR 246.16(d); 7 CFR 246.16(e)

Legal Deadline: None.

Abstract: This regulation would set forth, in greater detail than in the regulations currently in effect, the formula to be used by FNS in allocating WIC food funds to State agencies. The objective of this action is to provide for the allocation of these funds on a basis that encourages State agencies to actively target program services to those persons who would benefit most from the program intervention. Such a formula would be used to allocate funds for Fiscal Year 1988 and thereafter.

Under the formula currently in use, each State agency is guaranteed a level of food funds based on its prior year level adjusted for anticipated inflation. This is the formula's stability component. In addition, State agencies serving a lesser proportion of their income eligible populations receive additional funding based on certain demographic measurements; this component is called growth funding. The proposed formula would incorporate provisions designed to promote targeting of benefits.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	06/15/87	
Final Action Effective	10/01/87	
Final Action	12/15/87	

Small Entity: No

Agency Contact: Deborah McIntosh, Branch Chief, Program Analysis & Monitoring Branch, Supplemental Food Program Division, Department of Agriculture, Food and Nutrition Service, 202 756-3710

RIN: 0584-AA69

75. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN: ADMINISTRATIVE FUNDING FORMULA

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246.16

Legal Deadline: None.

Abstract: This regulatory action is needed in order to promote efficient and effective use of limited WIC Program administrative funds. It would set forth, in greater detail than in the regulations currently in effect, the formula to be used by FNS in allocating WIC administrative funds to State agencies. The objective of this action is to provide for the allocation of these funds on a basis that rewards State agencies for managing their grants of WIC administrative funds in an efficient and effective manner. Under the formula currently in use, each State agency's administrative grant is calculated as a percentage of its food grant, thus providing little incentive to seek cost savings in either category.

Timetable:

Action	Date	FR Cite
NPRM	05/31/87	
NPRM Comment Period End	08/31/87	
Final Action	11/30/87	

Small Entity: No

Agency Contact: Deborah McIntosh, Branch Chief, Program Analysis & Monitoring Branch, Supplemental Food Programs Division, Department of Agriculture, Food and Nutrition Service, 202 756-3710

RIN: 0584-AA70

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Final Rule Stage

76. ISSUANCE LOSS LIABILITY: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2016; 7 USC 2020(e)(20)

CFR Citation: 7 CFR 274; 7 CFR 276

Legal Deadline: None.

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process. (FNS 84-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
NPRM	04/09/86	51 FR 12268
Final Action	06/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA05

77. FOOD DISTRIBUTION PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Legal Deadline: None.

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Final Action	06/30/87	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA07

78. REIMBURSING WORKFARE'S ADMINISTRATIVE COSTS: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2029(g)(2)

CFR Citation: 7 CFR 273.22

Legal Deadline: None.

Abstract: The rule addresses criteria for incentive reimbursement for optional workfare projects. (FNS 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/83	48 FR 1171
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA20

79. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 273; 7 CFR 280

Legal Deadline: None.

Abstract: This rule would define special eligibility and issuance procedures during declared disasters.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/87	
Final Action	02/28/88	

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USDA—FNS **Final Rule Stage**

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA24

80. FORFEITURE PROCEDURES/BONDING: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2024(g)

CFR Citation: 7 CFR 278

Legal Deadline: None.

Abstract: This rule allows FNS to retain goods or money acquired during investigations of potential store violations. The rule will also permit disqualified stores seeking reauthorization to post letters of credit in lieu of collateral bonds. (FNS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	08/14/85	50 FR 32712

Next Action Undetermined

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA40

81. ADMINISTRATIVE REVIEW PROCESS AND QUALITY CONTROL ARBITRATION PROCEDURES: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2023(a); 7 USC 2025(c),(d)

CFR Citation: 7 CFR 276.7

Legal Deadline: None.

Abstract: FNS is leaving administrative review process as is currently in regulations. FNS is maintaining a two-tier arbitration process and establishing timeframes for submission of requests and conduct of arbitration reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	51 FR 9821
Final Action	04/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA46

82. RETAILER/WHOLESALER PROVISIONS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 2011 to 2027; 91 Stat. 958

CFR Citation: 7 CFR 278

Legal Deadline: None.

Abstract: This rule addresses the retailer/wholesaler provisions contained in the Food Security Act of 1985. These provisions are intended to reduce paperwork required of retail stores; improve compliance by retailers and wholesalers; and provide information to State agencies administering the WIC Program to improve the oversight of stores participating in that program. (FNS 86-014)

Timetable:

Action	Date	FR Cite
NPRM	12/03/86	51 FR 43612
Final Action	04/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA67

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Completed Actions

83. REWRITE OF REGULATIONS ON DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE BENEFITS

CFR Citation: 7 CFR 245

Completed:

Reason	Date	FR Cite
Withdrawn	12/31/86	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA32

84. MANAGEMENT EVALUATIONS AND CORRECTIVE ACTION PLANS: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 275

Completed:

Reason	Date	FR Cite
Final Action	02/04/87	52 FR 3402

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA37

85. REWRITE OF NATIONAL SCHOOL LUNCH PROGRAM REGULATIONS

CFR Citation: 7 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	51 FR 34864

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA43

86. PROPOSAL FOR A NATIONAL INVENTORY SYSTEM

CFR Citation: 7 CFR 252

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA60

USDA—FNS **Completed Actions**

87. EMPLOYMENT AND TRAINING REQUIREMENTS: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 273.7; 7 CFR 273.22

Completed:

Reason	Date	FR Cite
Final Action	12/31/86	51 FR 47378
Final Action Effective	01/30/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA65

88. FOOD STAMP PROGRAM: THRIFTY FOOD PLAN

Significance: Agency Priority

CFR Citation: 7 CFR 273

Completed:

Reason	Date	FR Cite
Final Action	10/08/86	51 FR 36043
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA68

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Food Safety and Inspection Service (FSIS)

89. ADMINISTRATIVE REGULATIONS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 44 USC 3501 et seq; 5 USC 601 et seq; 7 CFR 1; EO 12291

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335; 9 CFR 381

Legal Deadline: None.

Abstract: The Agency will review administrative requirements for applying for, granting, refusing, inaugurating, and withdrawing inspection; detaining, seizing, and condemning meat and poultry products; assigning program employees; designating States and territories and providing reimbursable services; scheduling of operations, and for overtime and holiday services.

Would also determine adequacy of current regulations as they relate to petitioning the Agency for regulatory change and informing interested persons of Agency procedures for appeal in the event of adverse determinations. (FSIS 83-009)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	03/31/88	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA02

90. RED MEAT SLAUGHTER REGULATIONS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 307; 9 CFR 309; 9 CFR 310; 9 CFR 311; 9 CFR 312; 9 CFR 313; 9 CFR 314; 9 CFR 316

Legal Deadline: None.

Abstract: The Agency will review the slaughter provisions of the regulations promulgated under the Federal Meat Inspection Act (FMIA), 9 CFR 307, 309 through 314, and 316, to identify regulatory provisions that may be deleted or modified as a result of either technological advances or changes in meat inspection procedures while allowing the Agency to maintain the same standards for product wholesomeness and public health protection. (FSIS 83-004)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	06/30/87	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA03

91. TRANSPORTATION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Legal Deadline: None.

Abstract: The Agency will review Parts 325 and 381 Subpart S, of Title 9 of the Code of Federal Regulations relating to requirements on the movement of product between inspected facilities to determine if they reflect current Agency practice and whether they impose unnecessary burdens on industry. (FSIS 85-003)

Timetable:

Action	Date	FR Cite
Begin Review	12/01/86	
End Review	12/31/87	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA19

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

92. SWINE IDENTIFICATION AT OFFICIAL SLAUGHTERING ESTABLISHMENTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 320

Legal Deadline: None.

Abstract: FSIS, possibly in conjunction with APHIS and/or other agencies, is proposing a swine identification program to provide a means for USDA and other public agencies to determine the origin of trichinae-infected or otherwise diseased swine, and of pork found to be contaminated with harmful chemical residues, and thereby permit the causes of such conditions to be found and recurrences to be prevented to the benefit of all concerned. (FSIS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas Berndt, Director, Slaughter Inspection Standards & Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583-AA25

93. ● VARIOUS AMENDMENTS TO ACCOMMODATE INSPECTION OF MEAT FOOD PRODUCTS UNDER TITLE IV OF THE FUTURES TRADING ACT OF 1986

Significance: Regulatory Program

Legal Authority: PL 99-641, Title IV

CFR Citation: 9 CFR 301 to 335

Legal Deadline: None.

Abstract: In November, 1986, PL 99-641 amended the Federal Meat Inspection Act to permit the Department to vary the manner and frequency by which it conducts inspection in establishments producing meat food products. All existing inspection regulations are based upon and reflect the previous statutory requirement that Federal inspectors be continuously present in such establishments. FSIS must develop new inspection procedures to allocate inspection resources among such establishments based on a variety of factors, including (1) the nature and frequency of the processing operations, (2) the adequacy and reliability of the processing control and sanitary procedures, and (3) the establishment's history of compliance with inspection requirements. The meat inspection procedures will touch upon virtually all existing meat regulations concerning inspection of meat food products. Details of these new procedures and the specific proposed regulatory amendments will be developed upon the conduct in 1987 of a pilot program to test alternative procedures in selected plants.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	12/30/87	
Final Action	03/30/88	

Small Entity: Undetermined

Agency Contact: Judith Segal, Director, Policy and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave, SW, Room 327-E, Administration Building, Washington, DC 20250, 202 447-6525

RIN: 0583-AA26

94. ● REQUIREMENTS FOR PARTIALLY RENDERED PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None.

Abstract: Would establish a standard of identity and composition, and would provide temperature and handling requirements for partially defatted meat products. Would also allow for use of these products in a greater number of meat food products at higher use levels.

Current regulation is not adequate to assure accurate labeling or to prevent commercial misrepresentation of such products.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/85	50 FR 34157
ANPRM Comment Period End	01/21/86	
NPRM	06/01/87	
NPRM Comment Period End	08/01/87	

Small Entity: Undetermined

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583-AA27

95. ● CONTROL OF SALMONELLA AND OTHER ENTERIC BACTERIA IN MEAT AND POULTRY PROCESSING

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None.

Abstract: Would permit an official meat or poultry establishment that has voluntarily developed effective microbiological controls for fresh packaged meat or poultry products to submit plans and records of such control systems to FSIS for approval. If the Administrator determines a control system to be adequate for the purpose of minimizing naturally occurring microbiological contaminations, he will approve the system, and the establishment will be permitted to use special labeling that acknowledges the use of an approved control system.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	
NPRM Comment Period End	06/03/87	
Final Action	07/03/87	

Small Entity: Undetermined

Agency Contact: W. H. Dubbert, Assistant Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, Room 401- Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583-AA28

96. ● VERIFICATION OF LABELING CLAIMS CONCERNING RAISING OF LIVESTOCK AND POULTRY

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 320; 9 CFR 323; 9 CFR 381

Legal Deadline: None.

USDA—FSIS **Proposed Rule Stage**

Abstract: Would create a voluntary program available to all establishments which would permit label claims concerning how an animal was raised to appear on meat and poultry products subject to USDA's ability to verify such claims.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	
NPRM Comment Period End	07/01/87	
Final Action	11/01/87	

Small Entity: Undetermined

Agency Contact: Dr. W. R. Miller, Director, Residue Evaluation and Planning Division, Science, Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583-AA29

97. ● DETERMINATION OF ADDED WATER IN COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None.

Abstract: Would publish protocols for determining compliance of meat food products with current added water standards. Would differentiate in such products protein derived from meat and meat byproducts from protein derived from other sources. Would ensure that similar, competing ingredients for cooked sausages are treated consistently.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	06/15/87	
Final Action	07/15/87	

Small Entity: Undetermined

Agency Contact: Margaret O'K Glavin, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583-AA30

98. ● SULFONAMIDES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None.

Abstract: Would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM	08/01/87	
NPRM Comment Period End	10/01/87	
Final Action	02/01/88	
Final Action Effective	03/01/88	

Small Entity: Undetermined

Agency Contact: R. E. Engel, Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, 202 447-2326

RIN: 0583-AA31

DEPARTMENT OF AGRICULTURE (USDA) **Final Rule Stage**

Food Safety and Inspection Service (FSIS)

99. STANDARD FOR FRANKFURTERS AND SIMILAR COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None.

Abstract: USDA has been petitioned by the American Meat Institute (AMI) "to promulgate a standard of identity and composition for 'lite' sausage." The current cooked sausage standard includes various processed meat food products, such as frankfurters, hot dogs, weiners, viennas, bolognas, and knockwurst. The AMI petition requests a new standard for lower-fat "lite" sausage that would require not more than 22.5 percent fat and not less than 11.5 percent protein, as compared with 30 percent fat and 10 percent added water maximums in the existing cooked-sausage standard. FSIS proposed rule provides additional flexibility to enable industry to market lower fat products. The rule allows a combination of up to 40 percent added water and fat, with a 30 percent ceiling on fat content. The Agency also seeks comment on the option of deleting entirely the standard for cooked sausages. (FSIS 86-002)

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42239
NPRM Comment Period End	03/23/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Department of Agriculture, Food Safety and Inspection Service, Standards and Labeling Division, MPITS, Washington, DC 20250, 202 447-6042

RIN: 0583-AA21

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

100. A REVIEW OF RECORDKEEPING AND REPORTING REQUIREMENT REGULATIONS UNDER THE FEDERAL MEAT INSPECTION ACT AND THE POULTRY PRODUCTS INSPECTION ACT

CFR Citation: 9 CFR 320; 9 CFR 381, Subpart Q

Completed:

Reason	Date	FR Cite
End Review	11/12/86	

Small Entity: No

Agency Contact: G. E. McEvoy 202 447-3317

RIN: 0583-AA00

101. LABELING FOR MEAT AND POULTRY PRODUCTS WITH CHEESE SUBSTITUTES, REVISED PIZZA STANDARD

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: Yes

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA07

102. CANNING OF MEAT AND POULTRY PRODUCTS

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 327; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	12/19/86	51 FR 45602
Final Action Effective	06/19/87	

Small Entity: No

Agency Contact: Bill Dennis 202 447-3840

RIN: 0583-AA08

103. DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: COOKED POULTRY SAUSAGE

Significance: Regulatory Program

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA10

104. BARBECUE STANDARD

Significance: Regulatory Program

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA12

105. REQUIREMENTS FOR MECHANICALLY SEPARATED (KIND) POULTRY PRODUCT AND PRODUCTS IN WHICH IT IS USED

Significance: Regulatory Program

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA15

106. EXPANSION OF OPERATING SCHEDULES FOR TOTAL QUALITY CONTROL ESTABLISHMENTS

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	09/11/86	51 FR 32301
Final Action Effective	10/14/86	

Small Entity: No

Agency Contact: Bill Dennis 202 447-7803

RIN: 0583-AA16

107. REGULATIONS CONCERNING THE IRRADIATION OF PORK FOR TRICHINA CONTROL

Significance: Regulatory Program

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Final Action Confirmation of final rule; response to comments	12/05/86	51 FR 43872
Final Action Effective	01/15/87	

Small Entity: No

Agency Contact: Margaret O'K. Glavin 202 447-6042

RIN: 0583-AA23

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Proposed Rule Stage

108. AMEND 7 CFR 1493 TO PROVIDE FOR INTERMEDIATE CREDIT GUARANTEES WHICH WILL GIVE U.S. EXPORTERS OR U.S. BANKS PROTECTION IN THE EVENT FOREIGN BANKS FAIL TO MAKE PAYMENT

Legal Authority: Food for Peace Act of 1966, as amended

CFR Citation: 7 CFR 1493

Legal Deadline: None.

Abstract: The objective of this action is to expand on a long term basis, sales and exports of U.S. agricultural commodities without displacing normal commercial sales; otherwise improve the capability of the importing country to purchase and use, on a long term basis, U.S. Agricultural commodities. This action would also amend 7 CFR 1493 to allow for the interest coverage to be adjusted during the foreign bank's repayment period but such coverage would not exceed the 52-week Treasury bill auction average. (FAS 86-002)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA19

109. DETERMINATION OF THE MARKET STABILIZATION PRICE FOR SUGAR FOR FY 1988

Legal Authority: Presidential Proclamation 5002; dated November 30, 1982

CFR Citation: 7 CFR 6.300 to 6.302

Legal Deadline: None.

Abstract: This notice sets forth the market stabilization price for sugar for the period October 1, 1987 - September 30, 1988. The Market Stabilization Price is used to determine bond requirements and maximum liabilities under certain programs authorized by Presidential Proclamation No. 5002 of November 30, 1982 (47 FR 54269). The calculation of the Market Stabilization Price is provided for in 7 CFR 6.300-6.302 (50 FR 36040). (FAS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA20

110. DETERMINATION OF IMPORT QUOTAS ON SUGAR FOR FISCAL YEAR 1987

Legal Authority: Presidential Proclamation 4941; dated May 5, 1982

CFR Citation: Not applicable

Legal Deadline: Statutory. Import quotas on sugar for fiscal year 1987 must be announced (filed in Federal Register) no later than the 15th day of the month immediately preceding the calendar quarter during which such determination shall be in effect

Abstract: Presidential Proclamation 4941 dated May 5, 1982 amended headnote 3 of the Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) (Headnote 3) to establish a system of quotas for U.S. sugar imports. (FAS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA21

111. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: for future FY's: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amends the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended requires that this estimate be published in the Federal Register.

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA23

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Final Rule Stage

112. DAIRY EXPORT INCENTIVE PROGRAM

Legal Authority: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Sec. 153(a) of the Food Security Act of 1985 (ACT) provides that during the period beginning 60 days after the date of enactment of the Act and ending on September 30, 1989, the Commodity Credit Corporation (CCC) shall establish and operate an export incentive program for dairy products under Sec. 5 of the CCC Charter Act. The Food Security Act of 1985 requires that the Secretary of

USDA—FAS **Final Rule Stage**

Agriculture in each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988 sell for export not less than 150,000 metric tons of dairy products owned by the CCC. Of this amount, not less than 100,000 metric tons shall be butter and not less than 20,000 metric tons shall be cheese. CCC will issue an announcement containing the terms and conditions of the program; an invitation for competitive bids specifying the eligible dairy products that may be sold to a foreign buyer and eligible destinations; and information on CCC-owned commodities which will be made available under the program as a bonus. (FAS 86-005)

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	51 FR 7300
Final Action	00/00/00	

Small Entity: No

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA22

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Forest Service (FS)

113. ● CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS ON THE COPPER/RIVER ADDITION AND COPPER RIVER-BERING RIVER PORTION, CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487, Title V

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into Law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as supplemental by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
Final Action	01/01/88	

Small Entity: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA41

114. ● PART 219 PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None.

Abstract: The rules at 36 CFR 219 set forth the procedures and resource standards that guide development and approval of National Forest land and resource management plans as required by the National Forest Management Act of 1976.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	01/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA50

115. ● APPEAL OF DECISIONS OF FOREST OFFICERS

Significance: Agency Priority

Legal Authority: 30 Stat 35 as amended sec 1; 16 USC 551cc, 472, 33 Stat 628

CFR Citation: 36 CFR 211.18

Legal Deadline: None.

Abstract: Forest Service rules at 36 CFR 211.18 establish the process and procedures by which the public may appeal a National Forest System management decision. The regulation is being reviewed as required by EO 12291. The Forest Service recognizes the administrative appeal process as useful and worthwhile, and considers it to be a valuable tool in conducting business. However, there are opportunities to make the process more efficient and less burdensome on the public while maintaining a useful forum within which to administratively resolve conflict.

Timetable:

Action	Date	FR Cite
Begin Review	03/10/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA51

116. ● OFFICIAL FOREST SERVICE INSIGNIA

Legal Authority: 5 USC 301; 18 USC 701

CFR Citation: 36 CFR 264; 36 CFR 264.1; 36 CFR 264.2; 36 CFR 264.3; 36 CFR 264.4; 36 CFR 264.5

Legal Deadline: None.

Abstract: Since 1905 the Forest Service emblem, a fir-like tree in the center of a shield has served to identify the Federal Agency responsible for protecting, managing, and developing the National Forests. Forest users and the public recognize it as a symbol of the organization. The Chief may

authorize other uses of the insignia, i.e., public service, educational, and commercial purposes through the issuance of licenses. Rules governing the external use of the official insignia are set forth at 36 CFR Part 264. The rule authorizes commercial use for which a royalty is paid and for public use for which no royalty is paid. Review of the existing regulation will determine the need for licensed royalty payment and the need for changing reporting requirements from quarterly to annually. Current licensees will participate in the review process.

Timetable:

Action	Date	FR Cite
Begin Review	04/15/87	
End Review	03/31/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596–AA59

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Forest Service (FS)

117. ENTRANCE INTO PETERSBURG WATERSHED

Legal Authority: 16 USC 551; 16 USC 472; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.35

Legal Deadline: None.

Abstract: Rule restricts entry into watershed without approval of authorized officials of Petersburg, Alaska. Review of this rule has been completed and reveals a need to update the rule to comply with legislative changes enacted since promulgation of this rule, and to streamline administrative entry into the watershed, and permit recreation access to a certain portion of the watershed without written authorization. (FS 84-017)

Timetable:

Action	Date	FR Cite
Begin Review	04/21/86	51 FR 13835
End Review	08/01/86	
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	10/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596–AA23

118. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None.

Abstract: Objective is to establish that the Land Status Record as the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 85-012)

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	
NPRM Comment Period End	07/15/87	
Final Action	12/31/87	
Final Action Effective	12/31/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596–AA24

119. INGRESS TO AND EGRESS FROM NATIONAL FOREST SYSTEM LANDS

Legal Authority: PL 96-487, Sec 1323(a); 16 USC 3210(a)

CFR Citation: 36 CFR 251.53; 36 CFR 251.80

Legal Deadline: None.

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	11/01/87	
Final Action Effective	11/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596–AA31

120. PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 49; 36 CFR 50; 36 CFR 51

Legal Deadline: None.

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make periodic payments on timber sales. As established by the act, the objective of periodic payments is to discourage speculative bidding on National Forest timber sales. A rule published 10/11/85 at 50 FR 41498 requires cash down payments and a periodic payment. However, to fully comply with the act, additional rules are required. This rule will be based on an evaluation of the effects of requiring annual payments, on consideration of procedures that would permit the pooling of payments, and on consideration of market-related contract

adjustments. There are no alternatives to issuing this rule; it is required by the Federal Timber Sale Contract Payment Modification Act. (FS 85-014)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
NPRM	08/01/87	
NPRM Comment Period End	10/15/87	
Final Action	02/01/88	
Final Action Effective	04/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA33

121. USE RESTRICTIONS OF NATIONAL FOREST LANDS FOR THE PROTECTION OF MUNICIPAL WATER SUPPLIES

Legal Authority: 16 USC 475; 16 USC 552; 16 USC 551; 16 USC 1600 to 1610; 16 USC 1701

CFR Citation: 36 CFR 251.9

Legal Deadline: None.

Abstract: This action amends the regulation providing protection of municipal watersheds to conform to recent legislation, principally the National Forest Management Act (NFMA) and the Federal Land Policy and Management Act (FLMPA). (FS 86-003)

Timetable:

Action	Date	FR Cite
End Review	08/01/86	
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	10/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA34

122. RANGE MANAGEMENT - GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD-FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011; 31 USC 9701

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Legal Deadline: None.

Abstract: Minor amendments to 36 CFR 222, Subparts A and B are under consideration to (1) delete the portion pertaining to Grazing Advisory Boards since the authority for these Boards under FLMA expired 12/31/85, (2) refine the procedures for placing wild horses and burros in private maintenance and care, (3) clarify the notification allowed before cancelling a permit when lands grazed are to be devoted to another public purpose including disposal, and (4) delete the reference to the Granger-Thye Act concerning range improvements, and (5) authorize the Chief of the Forest Service to assess a service charge to recover the cost of processing grazing permit applications and permit waivers, and issuing grazing permits. (FS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA35

123. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 (Mineral Leasing Act)

CFR Citation: 36 CFR 251.58

Legal Deadline: None.

Abstract: The objective of the rulemaking is to establish the policy, procedures, and guidelines for recovering costs incurred by the Forest Service in the administration of special uses on National Forest System Lands. In addition, the rulemaking will propose minor clarifying amendments resulting from conclusion of review of the existing regulation. (RIN 0596-AA20) (FS 86-005)

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	11/01/87	
Final Action Effective	01/00/88	

Small Entity: No

Additional Information: This rulemaking will incorporate actions under 0596-AA20.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA36

124. CONTROL OF SKEWED BIDDING ON NATIONAL FOREST TIMBER SALES

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.89

Legal Deadline: None.

Abstract: Timber may not be sold at less than appraised value. Skewed bidding enables bidders to tailor their bids to their competitive strengths. While skewed bidding can be advantageous to purchasers, it can also reduce Government receipts and increase Forest Service timber sale administration costs. These results were documented by the General Accounting Office (GAO/RCED-83-37). This proposal is made in partial response to the recommendations in that review. (FS 86-006)

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	48 FR 30417
NPRM	07/16/84	49 FR 28748
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/01/87	

Action	Date	FR Cite
Final Action Effective	10/01/87	

Small Entity: No

Additional Information: Note: The dates projected for proposed policy publication are not firm. This document has been under OMB Regulatory Review, with no clearance yet received, since September 29, 1986.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA37

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125. MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None.

Abstract: The objective of this action is to permit forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. The proposed action would clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	08/31/87	
Final Action	11/30/87	
Final Action Effective	11/30/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA38

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126. REVISE THE DEFINITION OF "MECHANICAL TRANSPORT" AT 36 CFR 293.6(A)

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a)

Legal Deadline: None.

Abstract: The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a). Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "non living" or "living" power sources. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA39

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127. ● LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716

CFR Citation: 36 CFR 254.1, (Revision); 36 CFR 254.15, (Revision)

Legal Deadline: None.

Abstract: Changes in existing regulations are needed to correct errors, delete obsolete portions, update to reflect current authorities, clarify ambiguities, and supplement by incorporating new requirements on negotiation and resolution of disputes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/29/88	
Final Action	06/30/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA42

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128. ● DISPOSAL OF MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 601; 30 USC 603; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Section 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Section 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None.

Abstract: Whether a mineral deposit is a "common variety" determines whether or not it can be disposed of or sold by the Government under the 1947 Mineral Materials Act. Judicial and administrative interpretations defining common variety characterization determinations can only be made in court. Rulings in common variety cases are generally unpredictable, and the costs to both the Government and miner are high.

After a review of the legislative history of the 1955 surface Resources Act, which defined common varieties, we believe that Congress did not intend for certain minerals to be locatable under the Mining Laws; however, a failure to explicitly define the "common variety" term has led to misinterpretation and actions contrary to the original intent of the law. It is proposed that 36 CFR 228 Subpart C be amended to clarify this confusing classification situation. We believe PL 167 expressly provides for this action as it allows the Secretary of Agriculture to dispose of mineral materials "under such rules and regulations as he may prescribe."

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
NPRM Comment Period End	02/01/88	

Action	Date	FR Cite
Final Action	06/01/88	
Final Action Effective	07/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA44

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129. ● TIMBER SALE CONTRACT FORM REVISION AND PUBLISHING OF POLICY FORMS FS-2400-6 AND 2400-6T

Significance: Regulatory Program

Legal Authority: 16 USC 551; 16 USC 492; 16 USC 607; 16 USC 607A

CFR Citation: 36 CFR 223

Legal Deadline: None.

Abstract: The present timber sale contract Form FS-2400-6 was developed in September 1973, and the Form FS-2400-6T was developed in October 1973. Since these dates several Acts, Laws, and policy changes have necessitated deletion of existing provisions and inserting supplemental provisions. The need to revise these documents has been recognized since the late 1970's. The revision will provide for clarification of provisions to reduce the potential for disputes between purchasers and the Forest Service. There will be no changes in the basic contract concepts except those dictated by law, regulation, and related policy. Comments from interested individuals and organizations will be utilized, as appropriate, in the formulation of the provision language.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA45

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130. ● LEASABLE MINERAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 43 CFR 228, Subpart B

Legal Deadline: None.

Abstract: This subpart will set forth the rules by which the Forest Service will process and respond to proposal received from the Department of the Interior (DOI) for the issuance of mineral licenses, prospecting permits and leases, and for the approval of operating plans. The Forest Service has no regulations at this time which has resulted in inconsistent and untimely responses to the DOI. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA46

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131. ● APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None.

Abstract: Regulations are needed to reduce confusion regarding the role of the Forest Service and its special-use authorization in permitting hydroelectric uses on National Forest System lands. The regulations objective will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

Title V, Section 501 of the Federal Land Policy and Management Act of 1976 (FLPMA) requires that fees be paid for the use of NFS land; regulations have not yet been established to put these fees in effect. The objective is to establish a fee system for hydroelectric uses. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed rule would take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/29/88	
Final Action	06/30/88	
Final Action Effective	07/30/88	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $2,033,000; Base Year for Dollar Estimates: 1986

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA47

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132. ● LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None.

Abstract: To facilitate the orderly development of locatable minerals on the National Forest System public domain in an environmentally sound manner. Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
NPRM Comment Period End	02/01/88	
Final Action	08/01/88	
Final Action Effective	09/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA49

133. ● INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act of 2/8/87, as by Section 31, Act of 6/25/10 authorizes the Secretary of the Interior to make allotments of National Forest System Lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Recent litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes. The only alternative is not to issue regulations. This is unacceptable since it leaves the Agency vulnerable to future IBLA appeals cases as well as future litigation.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
Final Action	12/31/87	
Final Action Effective	01/30/88	

Small Entity: No

Affected Sectors: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA52

134. ● RECREATION RESIDENCE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 473; 16 USC 497; 43 USC 1761; 31 USC 9701

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The objective is to revise policies and procedures for administering special-use permits that authorize privately-owned recreation residences on National Forest System lands, including establishment of fees for recreation residences. The intended effect is to help resolve the longstanding controversy and permittee concerns over recreation residence fees and to gradually reduce Agency costs of administering recreation residence permits.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21775
NPRM	01/02/87	52 FR 206
NPRM Comment Period End	04/02/87	
Final Action	07/01/87	
Final Action Effective	07/31/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA53

135. ● CREATE A NEW SUBPART C TO 36 CFR 264 ENTITLED NATIONAL SCENIC AND HISTORIC TRAIL SYMBOLS

Legal Authority: 5 USC 301

CFR Citation: 36 CFR 264

Legal Deadline: None.

Abstract: Objectives of this action are:

1. To establish a procedure for establishing official trail symbols for designated National Scenic and Historic Trails administered by the Forest Service.

2. To prescribe the conditions and terms for use of the symbols, including commercial use.

3. To establish the authorities to prosecute and revoke unauthorized use, and

4. To establish official symbols for several of the existing National Scenic and Historic Trails as required by law.

Two alternatives were evaluated--To protect these symbols and to not protect them. Protection was deemed to be in the best interest of the National Trails Program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA54

136. ● GRAZING FEES; EASTERN AND SOUTHERN REGIONS

Significance: Regulatory Program

Legal Authority: 16 USC 551; 31 USC 483a; 43 USC 1901

CFR Citation: 36 CFR 222.53

Legal Deadline: None.

Abstract: Different grazing fee systems are used in the Eastern and Southern Regions of the Forest Service. The current system in the Eastern Region is market driven. The system in the Southern Region is based on a cost of livestock production/ability to pay methodology which currently results in below market fees. Two alternatives are being considered. The first would continue the two different fee systems in the eastern U.S. The second alternative would implement a uniform market driven fee system in both Regions. The advantages of this alternative over the first are:

(1) Competitive bidding with a minimum bid price would be fair and equitable to all parties, the livestock owners and the government.

(2) The fee system would be cost effective and economic to administer.

(3) The fee system would provide for investments in cost effective range improvements on National Forest System lands in the eastern states.

USDA—FS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	04/00/88	
Final Action	12/00/88	
Final Action Effective	03/01/89	

Small Entity: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA55

137. ● SKI AREA TERM PERMITS

Significance: Agency Priority

Legal Authority: PL 99-522, Sec 3(c)

CFR Citation: 36 CFR 251.50, (Revision)

Legal Deadline: Statutory, October 22, 1987. A one-year deadline is specified in the law.

Abstract: P.L. 99-522 provides new authority and direction for granting permits authorizing ski development and operation. It requires promulgation of rules within one year of enactment. Current direction for issuing special use permits including ski areas is contained in 36 CFR 251.50 through 251.64. While most of the current direction will continue to apply, revisions will be necessary to respond to the special provisions of the law relating to permit duration and acreage to be authorized.

The law has the effect of eliminating the current need and practice to issue two permits to authorize a single resort to use more than 80 acres. Further, it authorizes the issuance of 40 year permits instead of 30 which has been the maximum in the past.

Timetable:

Action	Date	FR Cite
NPRM	05/25/87	
NPRM Comment Period End	07/25/87	
Final Action	10/20/87	
Final Action Effective	10/20/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA57

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Forest Service (FS)

138. DEBARMENT AND SUSPENSION OF TIMBER SALE CONTRACTORS

Legal Authority: 16 USC 551; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None.

Abstract: The objective is to set forth conditions and procedures under which purchasers of National Forest System timber may be suspended or debarred from further contracting. (FS 83-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/27/83	48 FR 23818
Extension of Interim Final Rule	07/11/84	49 FR 28241
NPRM Part III	01/23/86	51 FR 3158
Final Action	11/30/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA09

139. ● SMALL BUSINESS TIMBER SALE SET ASIDE PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 631

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The policy is designed to ensure that small business purchasers have the opportunity to purchase a fair proportion of National Forest Timber. The proposed final policy is consistent with the current standards and establishes procedures for determining what share of timber volume small business will have the opportunity to bid on without competition from large business.

Timetable:

Action	Date	FR Cite
ANPRM	11/21/84	49 FR 45889
ANPRM Comment Period End	11/21/84	49 FR 45889
Final Action	06/13/85	50 FR 24788
Final Action Effective	09/01/85	50 FR 24788
Revised Final Policy	09/15/87	
Final Action Effective	09/15/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA43

140. ● PROHIBITIONS; POSSESSION AND STORAGE OF FOOD AND REFUSE IN CERTAIN NATIONAL FOREST AREAS

Legal Authority: 16 USC 472; 7 USC 1011(f); 16 USC 1246(i); 16 USC 1133(c) to 1133(d)

CFR Citation: 36 CFR 261

Legal Deadline: None.

Abstract: Conflicts between National Forest users and bears, particularly the grizzly bear which is a threatened species, are occurring because of improper possession and storage of food or other materials that attract the bears. As the grizzly emerges from hibernation in March, it is critical that on-the-ground Forest officers have regulatory authority to require proper storage of food and refuse and to prohibit their possession and storage where grizzly-human conflicts are likely to result. The final rule will amend 36 CFR 261 to permit Forest officers to issue appropriate orders regulating possession, storage, and transport of materials that attract the bears. An interim final rule establishing these controls was published on April 17, 1986 and has proved effective. Without

the amendment, unacceptable risk to the public and to the government's efforts to recover the grizzly bear population will continue. For this reason, the alternative of "no action" is unacceptable. No other alternatives to achieve the objective have been identified.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/17/86	51 FR 12991
Final Action	06/01/87	

Small Entity: Yes

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA48

141. ● PROHIBITIONS; FOSSIL COLLECTING

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261

Legal Deadline: None.

Abstract: In response to comments from the scientific and academic communities and in keeping with the recommendations of the National Academy of Sciences draft "Report on Guidelines for Paleontological Collecting," the Forest Service is clarifying its regulations concerning fossil collecting on National Forest System lands. The language on "paleontological resources" is being moved to a separate paragraph and the requirement for permits is being limited specifically to quarrying for fossils and for commercial activities. The no-action alternative would be to leave the regulation of paleontological resources the same as for archeological resources, with permits needed for all activities. Since there is no evidence of widespread problems, the permit process imposes unnecessary burdens on the casual collector and creates added paperwork for the Forest officer to manage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/86	51 FR 30355
Final Action	05/30/87	
Final Action Effective	05/30/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA56

142. ● APPEAL OF DECISIONS OF FOREST OFFICERS; REVISION OF STAY PROCEDURES

Significance: Agency Priority

Legal Authority: 30 Stat 35 as amended sec 1; 16 USC 551, 472 33 Stat 628

CFR Citation: 36 CFR 211.18

Legal Deadline: None.

Abstract: Forest Service rules at 36 CFR 211.18 establish the process and procedures by which the public may appeal a National Forest System management decision. This rule revises those procedures to clarify procedures for acquiring information helpful to Reviewing Officers in making stay decisions; to give Reviewing Officers flexibility on making stay decisions; to provide criteria in ruling on stay decisions; and to lengthen the time allowed to make stay decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/19/86	51 FR 223
Final Action	03/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA58

143. ● NON-COMPETITIVE DISPOSAL OF MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 601; 30 USC 603; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Sec 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Sec 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None.

Abstract: Existing regulations allow noncompetitive sale of mineral materials not in excess of 100,000 cubic yards in any individual sale or 200,000 cubic yards in any one State for the benefit of any entity in any period of twelve consecutive calendar months. The proposal would give the Forest Service flexibility in meeting requests for noncompetitive sales of large amounts of mineral materials when public property, health, and safety are threatened or when competition is impractical. The proposal is similar to rules governing mineral material sales by the Bureau of Land Management. Interim rulemaking is sought to resolve a situation in California where the volume restriction for noncompetitive sales may interfere with a mining claimant's statutory rights regarding locatable minerals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/87	
Final Action	07/01/87	
Begin Review	07/01/87	

Small Entity: Yes

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA60

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Forest Service (FS)

144. RANGE MANAGEMENT-GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD-FREE-ROAMING HORSES AND BURROS

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Completed:

Reason	Date	FR Cite
End Review New rulemaking will occur. See 0596-AA35	12/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA14

145. SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS

CFR Citation: 36 CFR 251, Subpart B

Completed:

Reason	Date	FR Cite
End Review	10/15/86	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA20

146. YOUNG ADULT CONSERVATION CORPS

CFR Citation: 36 CFR 215

Completed:

Reason	Date	FR Cite
Final Action	03/30/87	51 FR 10086

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA26

147. EXPERIMENTAL AREAS AND RESEARCH NATURAL AREAS

CFR Citation: 36 CFR 251.23

Completed:

Reason	Date	FR Cite
End Review	09/18/86	51 FR 33040

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA30

148. YOUTH CONSERVATION CORPS

CFR Citation: 36 CFR 214

Completed:

Reason	Date	FR Cite
Final Action	03/30/87	52 FR 10086

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA32

149. FEE POLICY FOR LINEAR RIGHTS-OF-WAY

Significance: Regulatory Program

CFR Citation: 36 CFR 251.51

Completed:

Reason	Date	FR Cite
Final Action	12/05/86	51 FR 44014
Final Action Effective	01/04/87	51 FR 44014

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA40

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Office of Finance and Management (OFM)

150. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS

CFR Citation: 7 CFR 3015

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/87	

Small Entity: No

Agency Contact: Gerald Miske 202 382-1553

RIN: 0505-AA01

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Soil Conservation Service (SCS)

151. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None.

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA12

152. ● PROCEDURES FOR THE PROTECTION OF ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS-ASSISTED PROGRAMS

Significance: Agency Priority

Legal Authority: 16 USC 470f; 16 USC 469

CFR Citation: 7 CFR 656

Legal Deadline: None.

Abstract: The regulations address legal requirements set forth by the Advisory Council on Historic Preservation

regulations, Protection of Historic Properties (36 CRF 800). The action is to remove and reserve six sections from the regulation to be more consistent with revised 36 CFR 800 and reduce requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578–AA13

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Final Rule Stage

153. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1986; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None.

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with state agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA00

154. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: 26 Stat. 653, Sec. 8; Reorg. No. IV of 1940

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None.

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite
End Review	02/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA01

155. PRIME AND UNIQUE FARMLANDS

Legal Authority: 16 USC 590(a to f); 42 USC 4321 et seq; PL 95-87

CFR Citation: 7 CFR 657.1 to 657.5

Legal Deadline: None.

Abstract: Prescribes SCS policy on the development and maintenance of an inventory of prime and unique farmland of the Nation including the criteria and characteristics used in the identification of such lands. (SCS 83-007)

Timetable:

Action	Date	FR Cite
End Review	02/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA10

156. ● FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: Statutory. 180 days after enactment of Food Security Act of 1985

Abstract: The United States Department of Agriculture amends its rule for implementing the Farmland Protection Policy Act to require progress reports, enable governors to bring action to enforce the requirements of the Act, include a section omitted by clerical error, revise how Federal agencies apply the Act, and revise the definition of farmland. These amendments are necessary in order to comply with amendments to the Farmland Protection Policy Act (FPPA) made by Title XII of the Food Security Act of 1985, Pub. L. 99-198, December 23, 1985, and to clarify several provisions of the existing rule. This rule will revise Part 658 of Title 7 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Affected Sectors: None

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, PO Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578–AA14

[FR Doc. 87-6601 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, III, IV, VIII, IX; Subtitle D, Ch. XXIII

19 CFR Ch. III

37 CFR Ch. I, IV

48 CFR Ch. 13

50 CFR Chs. I, II, VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: April 1987 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce (DOC) in April and October of each year publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next twelve months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the October 1986 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

DOC's April 1987 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 1987 through March 31, 1988.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, Telephone: (202) 377-3151.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291. The E.O. requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 87-6, issued December 4, 1986 establishes guidelines and procedures for the preparation and publication of the April 1987 Unified Agenda of Federal Regulations for all Federal departments and agencies. E.O. 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: the title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law or Executive Order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the Order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the Economic Development Administration, the International Trade Administration, National Bureau of Standards, and the Patent and Trademark Office issue the greatest share of the Department's regulations, while other operating units such as the United States Travel and Tourism Administration and the Minority Business Development Agency currently have no regulations in the agenda.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by the National Bureau of Standards (NBS) under Pub. L. 89-306. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NBS works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. These FMPs regulate domestic and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishing management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs, or amendments to FMPs, for fisheries within their respective areas. In the

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development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC April 1987 regulatory agenda follows.

DATED: March 2, 1987.

Douglas A. Riggs,
General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
157	Public Information, Freedom of Information (Fees)	0690-AA04
158	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
159	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
160	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Commerce Programs	0690-AA06

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
161	Use of Penalty Mail to Assist in the Location and Recovery of Missing Children	0690-AA10
162	Contract Clauses and Solicitation Provisions for Ship Construction, Ship Alteration, and Ship Repair Contracts	0690-AA12

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
163	BE-20, Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons	0691-AA03
164	Benchmark Survey of Foreign Direct Investment in the United States - 1987	0691-AA08
165	Revisions in Reporting Requirements for Surveys of U.S. Trade in Services with Foreign Persons	0691-AA09
166	Implementation of Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons	0691-AA10
167	Rule to Change Reporting Criteria for Minority-Owned Foreign Affiliates on Form BE-11C of the Annual Survey of U.S. Direct Investment Abroad	0691-AA11

Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
168	Increase in Exemption Levels for Four Direct Investment Surveys Conducted by BEA -- Quarterly Report Forms BE-605 and 606B and Annual Report Forms BE-133B and 133C	0691-AA07

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Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
169	Shipper's Export Declaration-Foreign Trade Statistics	0607-AA09

Economic Development Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
170	General Requirements for Financial Assistance - Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
171	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
172	Economic Development Administration: Property Management Standards	0610-AA07
173	Property Management Standards - Mortgages	0610-AA12
174	General Requirements for Financial Assistance -- Flood Insurance Program; and Environmental Requirements	0610-AA16
175	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
176	Designation of Areas; Overall Economic Development Program; Public Works and Development Facilities Program	0610-AA19
177	Designation of Areas; Designation of PWIP Areas	0610-AA21
178	General Requirements for Financial Assistance; Unfair Competition	0610-AA22
179	General Requirements for Financial Assistance; Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA23
180	Notice of Availability of Funds - University Centers Program	0610-AA29
181	Civil Rights - Age Discrimination	0610-AA30
182	General Requirements for Financial Assistance-Nonrelocation	0610-AA32
183	General Requirements for Financial Assistance - Project Modification	0610-AA33
184	General Requirements for Financial Assistance - Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA34
185	Protection of EDA's Interest in Facilities Acquired, Built, or Improved with EDA Grant Funds	0610-AA35
186	Liability for Toxic Wastes Associated with EDA Loans and Loan Guarantees	0610-AA36

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
187	General Requirements for Financial Assistance - Nonrelocation	0610-AA20

General Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
188	Nonprocurement Debarment and Suspension	0605-AA02

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General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
189	Administrative Offsets for Debts Owed the Department of Commerce	0605-AA00

International Trade Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
190	Antidumping and Countervailing Duties; Modifications	0625-AA26

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
191	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
192	Effect of Imported Articles on the National Security	0625-AA15
193	Revisions to Short Supply Regulations	0625-AA21
194	Sanctions for Violation of Antidumping and Countervailing Duty Protective Orders	0625-AA24
195	Annual Watch Quota Allocations	0625-AA25

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
196	Adjustment Assistance for Firms and Industries	0625-AA05
197	Antidumping Duties; Countervailing Duties	0625-AA08
198	Antidumping and Countervailing duties - de minimis	0625-AA23

National Bureau of Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
199	FIPS for Session Protocol Standard	0693-AA12
200	FIPS for Message Transfer Protocol	0693-AA17
201	FIPS for Internetwork Protocol	0693-AA40
202	FIPS for Codes for the Identification of Aquifer Names and Geologic Units	0693-AA44
203	Revision to FIPS 29-1, Interpretation Procedures for Federal Information Processing Standard Programming Languages	0693-AA47
204	FIPS for Standard Generalized Markup Language (SGML)	0693-AA50
205	FIPS for Recorded Magnetic Tape Cartridge for Information Interchange; 4-Track, Serial, 0.250 in (6.30 mm), 6400 bpi (252 bpmm) Inverted Modified Frequency Modulation Encoded	0693-AA51
206	FIPS for Serial Recorded Magnetic Tape Cartridge for Information Interchange; Four and Five Track, 0.250 in (6.30 mm) 8000 bpi (315 bpmm) Streaming Mode Group Code Recording	0693-AA52
207	FIPS for One-Half Inch Magnetic Tape Interchange Using a Self Loading Cartridge	0693-AA53
208	FIPS for Recorded Formats for One and Two-Sided 5.25 Inch (130 mm) and 3.5 in (90 mm) Flexible Disk Cartridges	0693-AA54
209	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
210	FIPS for Device Level Interface for Streaming Cartridge and Cassette Tape Drives	0693-AA57
211	FIPS for Interfaces Between Flexible Disk Cartridge Drives and Their Host Controllers	0693-AA58
212	Revisions to FIPS 60, 61, 62, 63, 97, and 111, Computer System Input/Output (I/O) Interface Standards	0693-AA59
213	Review of FIPS 46, Data Encryption Standard	0693-AA60

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National Bureau of Standards—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
214	FIPS for Government Open Systems Interconnection Procurement (GOSIP)	0693-AA61

National Bureau of Standards—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
215	FIPS for Transport Protocol	0693-AA06
216	FIPS for Database Language SQL	0693-AA32
217	FIPS for Optical Character Recognition (OCR) Dot Matrix Character Sets for OCR-MA	0693-AA33
218	FIPS for Database Language NDL	0693-AA34
219	FIPS for Basic Programming Language	0693-AA35
220	FIPS for Information Resource Dictionary System (IRDS)	0693-AA38
221	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
222	FIPS for Small Computer System Interface	0693-AA41
223	FIPS for Intelligent Peripheral Interface	0693-AA42
224	FIPS for Computer Graphics Metafile	0693-AA45
225	FIPS for C Programming Language	0693-AA48
226	FIPS for Unix* Operating System Derived Environments	0693-AA49
227	Revision to FIPS 5-1, Codes for the Identification of the States, the District of Columbia, and the Outlying Areas of the United States	0693-AA56

National Bureau of Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
228	FIPS 70-1, Representation of Geographic Point Locations for Information Interchange	0693-AA13
229	FIPS 125, MUMPS	0693-AA36
230	FIPS 123, Specification for a Data Descriptive File for Information Interchange (DDF)	0693-AA37

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
231	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom ETC	0648-AA46
232	Marine Fishery User Fees	0648-AB93
233	Performance Standards for Tuna Skippers	0648-AC07
234	Taking of Marine Mammals Incidental to Underwater Tests by the Department of the Navy	0648-AC08

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
235	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
236	Regional Fishery Management Councils	0648-AB09
237	Foreign Fishing - Scientific Research	0648-AB23
238	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
239	Atlantic Billfish and Sharks Fishery - Foreign Fishing Regulations	0648-AB33

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National Oceanic and Atmospheric Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
240	Amendment for Alaska Groundfish and High Seas Salmon Fishery Management Plans - Close FCZ Intrusion into State Waters	0648-AB41
241	Reporting Requirements Governing Salmon Taken off Alaska and Delivered or Landed Outside Alaska	0648-AB44
242	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
243	Implementation of Fishery Management Recommendations	0648-AB57
244	Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic - Amendment 1	0648-AB74
245	Amendment No. 4 to the Fishery Management Plan for the Spiny Lobster Fisheries of the Western Pacific Region	0648-AB81
246	Amendment 2 to the Fishery Management Plan for Atlantic Sea Scallops	0648-AB83
247	Sea Turtle Conservation; Shrimp Trawl Requirements	0648-AB86
248	Resubmitted Portion of Amendment 1 to the American Lobster Fishery Management Plan	0648-AB89
249	Secretarial Amendment of the Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska	0648-AB90
250	Amendment 1 to the Red Drum Fishery Management Plan for the Gulf of Mexico	0648-AB91
251	Amendment 1 to the Swordfish FMP	0648-AB92
252	Safety of United States Observers Aboard Foreign Fishing Vessels	0648-AB94
253	Amendment 2 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AB95
254	Groundfish of the Bering Sea and Aleutian Islands - Amendment 11	0648-AB96
255	Amendment 2 to the American Lobster Fishery Management Plan	0648-AB97
256	Groundfish of the Gulf of Alaska - Amendment 16	0648-AB98
257	Amendment 8 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AB99
258	Amendment 3 to the High Seas Salmon Fishery Off the Coast of Alaska East of 175 E. Longitude	0648-AC00
259	Foreign Fishing Poundage and Permit Fees, 1988	0648-AC01
260	Northeast Multispecies Fishery Management Plan	0648-AC04
261	Labeling Requirements for Frozen Fish Blocks and Products Therefrom	0648-AC06
262	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
263	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
264	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
265	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
266	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68
267	Rulemaking to Implement 1985 Reauthorization of the Coastal Zone Management Act (CZMA)	0648-AC02
268	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
269	Proposed Regulations for the Point Reyes-Farallon Islands National Marine Sanctuary	0648-AC05

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
270	Civil Procedures	0648-AA26
271	U.S. General Standards for Grades of Shrimp	0648-AA47
272	Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife	0648-AA53
273	U.S. Standards for Grades of Fresh or Frozen North American Freshwater Catfish and Products Made Therefrom	0648-AA73
274	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB40
275	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
276	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery off Alaska; Technical Amendment	0648-AB51
277	Fishery Management Plan for Pacific Billfish Fisheries of the Western Pacific Region	0648-AB61
278	Regulations Governing the Harassment of Humpback Whales	0648-AB79
279	Proposed Regulations for the National Marine Sanctuary Program	0648-AA31
280	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34
281	Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
282	U.S. General Standards for Grades of Fish Fillets	0648-AA45
283	Amendment 10 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB38

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National Oceanic and Atmospheric Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
284	Foreign Permit Conditions and Restrictions	0648-AB67
285	Foreign Fishing Poundage and Permit Fees, 1987	0648-AB69
286	Fishery Resources of Puerto Rico and the Virgin Islands	0648-AB71
287	Amendment 7 to the Plan Managing the Commercial and Recreational Ocean Salmon Fisheries off the Coasts of Washington, Oregon and California	0648-AB73
288	Amendment 1 to the Reef Fish Fishery of the Gulf of Mexico Fishery Management Plan	0648-AB75
289	Amendment 15 to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB76
290	Amendment No. 2 for the Fishery Management Plan for the Washington, Oregon, and California Groundfish Fishery	0648-AB77
291	Taking of Marine Mammals Incidental to On-Ice Seismic Activities	0648-AB78
292	Amendment No. 1 to the Fishery Management Plan for the Bottomfish/Seamount Groundfish Fisheries of the Western Pacific Region	0648-AB80
293	Secretarial Fishery Management Plan for the Drum Fishery of the Gulf of Mexico	0648-AB82
294	Amendment 10 to the Fishery Management Plan for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Area	0648-AB84
295	Secretarial Amendment to the Fishery Management Plan for Atlantic Sea Scallops	0648-AB85

National Telecommunications and Information Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
296	Public Telecommunications Facilities Program: Report and Order (Final Rules), Funding Priorities and Policy Statement	0660-AA01

Office of Productivity, Technology and Innovation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
297	Licensing of Government-Owned Inventions	0692-AA04

Office of Productivity, Technology and Innovation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
298	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms	0692-AA01

Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
299	Term of Deposit of Microorganism	0651-AA13

DOC

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
300	Requests for Identifiable Records	0651-AA04
301	Variety Naming Requirements for Plant Patent Applications	0651-AA12
302	Trademark Applications	0651-AA23
303	Miscellaneous Amendments of Patent Rules	0651-AA25
304	Unity of Invention and Patent Cooperation Treaty, Chapter II	0651-AA26
305	Duty of Disclosure - Information Disclosure Statement	0651-AA27

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
306	Trademark Automated Search System Fees	0651-AA18
307	Arbitration of Patent Interference Cases	0651-AA20
308	Rules for Extension of Patent Term	0651-AA22

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
309	Miscellaneous Amendments of Trademark Rules	0651-AA16
310	Trademark Applications	0651-AA17
311	Unity of Invention - International Applications	0651-AA28

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of the Secretary (OS)

157. PUBLIC INFORMATION, FREEDOM OF INFORMATION (FEES)

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Legal Deadline: Statutory, April 25, 1987.

Abstract: The revised regulation would implement the amended fee provisions of the Freedom of Information Act (FOIA), P.L. 99-570. The amended FOIA, which was signed into law on October 27, 1986, requires a Government-wide uniform system for charging requests under the FOIA. The law specifies that agencies promulgate implementing regulations by April 25, 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required or prepared if it is decided to propose revisions to these regulations.

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Office of Management and Organization, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-3271

RIN: 0690-AA04

158. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Department wide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

DOC—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA08

159. ● SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce has no formal uniform source evaluation procedures applicable to its procurement activities. Standardization of source evaluation procedures will alleviate potential inconsistencies among procurement professionals as well as potential Department Contractors relative to evaluation of proposals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, 14th Street and Constitution Ave., NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA13

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Final Rule Stage

160. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF COMMERCE PROGRAMS

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 15 CFR 8c

Legal Deadline: None.

Abstract: Regulations will be proposed providing for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended. These regulations will ensure programmatic and physical accessibility for handicapped individuals in Department of Commerce activities.

Timetable:

Action	Date	FR Cite
NPRM	11/24/84	49 FR 45861
NPRM Comment Period End	03/21/85	49 FR 45861
Final Action	05/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Richard Stearns, Chief, EEO Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, 14th and Constitution Avenue, NW, Washington, DC 20230, 202 377-5691

RIN: 0690-AA06

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed Actions

161. USE OF PENALTY MAIL TO ASSIST IN THE LOCATION AND RECOVERY OF MISSING CHILDREN

Legal Authority: 39 USC 3220(a)(2); EO 12549 February 21, 1986

CFR Citation: 15 CFR 23

Legal Deadline: Statutory, February 5, 1985.

Abstract: Section (a) (2) of Public Law 99-87 authorizes and requires each executive department and independent establishment of the Government of the United States to prescribe regulations under which penalty mail may be used to assist in the location and recovery of missing children. These regulations are required to be in conformance with guidelines issued by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention located at 50 FR 46622, November 8, 1985.

Timetable:

Action	Date	FR Cite
Final Action	01/23/87	51 FR 46613

Small Entity: No

Agency Contact: Mary DiGiulian, Director, Office of Administrative Services Management, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-0684

RIN: 0690-AA10

162. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR SHIP CONSTRUCTION, SHIP ALTERATION, AND SHIP REPAIR CONTRACTS

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce is currently reviewing Department-wide standardized contract clauses and solicitation provisions for ship construction, ship alteration, and ship repair contracts. This amendment to the Commerce Acquisition Regulation (CAR 86-1) would illustrate and incorporate these standardized clauses and provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	51 FR 31687
Final Action	02/06/87	52 FR 3607

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Office of Procurement Management, Department of Commerce, Office of the Secretary, 14th St. & Constitution Ave., NW, Washington, DC 20230, 202 377-4217

RIN: 0690-AA12

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

163. ● BE-20, BENCHMARK SURVEY OF U.S. SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Regulatory Program

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action will provide for the conduct of a mandatory BE-20, Benchmark Survey of U.S. Services Transactions with Unaffiliated Foreign Persons, covering 1986, as required by the International Investment and Trade in Services Survey Act. The action will fill major gaps in data on international services transactions so the U.S. Government can better assess the size and impact of those transactions, more effectively formulate international economic policies and conduct negotiations to reduce the barriers to service trade, improve the recording of services transactions in the U.S. balance of payments accounts, and assist U.S. services businesses in identifying and evaluating market opportunities. It is anticipated that the benchmark survey will be followed by an abbreviated annual sample survey that will update the data from the benchmark survey. The annual costs to BEA of conducting the benchmark survey and the follow-up annual sample survey will be about $500,000. The cost to respondents of the benchmark survey will be about 100,000 manhours, or $3.0 million, and the cost of the annual sample survey will be about 55,000 manhours, or $1.6 million a year. The benefits in terms of reduction in (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/26/87	52 FR 5785
NPRM Comment Period End	04/27/87	52 FR 5785
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: barriers to services trade, increased sales of services, and improved balance of payments statistics will far exceed costs. A notice of proposed rulemaking to bring existing BEA surveys of U.S. services transactions under 22 USC 3101 to 3108, as amended, and to conduct a BE-20 Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons was submitted to OMB in August 1985, along with an information collection request for the benchmark survey. On 10/21/85, OMB disapproved the information request for the benchmark survey, largely because of respondent burden and the need to seek greater input from the business community in designing the survey. Subsequently, final rules -- 15 CFR Part 801 -- were approved covering the other existing surveys on U.S. services transactions. BEA has conducted a public outreach program to revise the BE-20 benchmark survey to meet OMB requirements. The action described herein will amend 15 CFR Part 801 to cover the revised BE-20 survey.

Public Compliance Cost: Initial Cost: $3,000,000; Yearly Recurring Cost: $1,600,000; Base Year for Dollar Estimates: 1986

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA03

164. BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES - 1987

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806.17

Legal Deadline: Statutory. The survey must cover the year 1987.

Abstract: This action will amend existing rule 15 CFR Part 806.17 to provide for the conduct of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States -- 1987, as required by the International Investment and Trade in Services Act, 22 USC 3101 to 3108 (see especially Sec 4(b) of the Act). The existing rule covers a similar survey for 1980, which has been completed and which the new survey will update.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA08

165. ● REVISIONS IN REPORTING REQUIREMENTS FOR SURVEYS OF U.S. TRADE IN SERVICES WITH FOREIGN PERSONS

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action is contingent upon OMB approval of the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons--1986. It will amend 15 CFR 801 to bring existing BEA services surveys into conformance with the new BE-20 benchmark survey and its anticipated annual follow-on survey. Specifically, it will: (1) Amend 15 CFR 801.9(b)(3) to eliminate coverage of consulting services from the BE-47 survey. That survey now covers foreign contract operations of U.S. construction, engineering, architectural, and related consulting and technical services firms. Under the proposed action, consulting services would be covered on the BE-20 and annual follow-on survey rather than on the BE-47. (2) Amend 15 CFR 801.9(b)(4) to expand coverage of the BE-48 survey to include direct insurance as well as reinsurance transactions. In designing the BE-20 survey, it was decided to include direct insurance on the existing BE-48 survey rather than on the BE-20; heretofore, no data on direct insurance transactions with foreign persons have been collected. (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: (3) Make such other revisions to 15 CFR 801, including possible changes in exemption levels, as necessary to bring existing surveys into conformance with the BE-20 survey and its anticipated annual follow-on survey. This action is expected to have a negligible impact on reporter burden and on BEA operating costs.

Agency Contact: Anthony J. DiLullo, Assistant Chief, Balance of Payments Division, (BE-58), Department of Commerce, Bureau of Economic Analysis, Tower Building, Washington, DC 20230, 202 523-0621

RIN: 0691-AA09

166. ● IMPLEMENTATION OF ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Agency Priority

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action is contingent upon OMB approval of the BE-20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons--1986. It will amend 15 CFR 801 by adding rules to implement a new annual follow-on survey to the BE-20 benchmark survey. The scope and coverage of the annual survey are expected to be more limited than that of the benchmark survey, with exact scope and coverage to be determined after analysis of preliminary results of the 1986 BE-20. Data from the annual survey will be used to derive universe estimates of covered services transactions in nonbenchmark years, thus updating the data collected in the benchmark survey. The first year of coverage will be 1987; the survey will not be taken for a year covered by the benchmark survey.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	05/00/88	
Final Action	06/00/88	
Final Action Effective	06/00/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $1,600,000; Yearly Recurring Cost: $1,600,000; Base Year for Dollar Estimates: 1988

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA10

167. ● RULE TO CHANGE REPORTING CRITERIA FOR MINORITY-OWNED FOREIGN AFFILIATES ON FORM BE-11C OF THE ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806.14(f)(3)(iii), (Revision)

Legal Deadline: None.

Abstract: This action will revise 15 CFR 806.14(f)(3)(iii) by lowering the percentage of ownership above which a minority-owned foreign affiliate must be reported on Form BE-11C of BEA's Annual Survey of U.S. Direct Investment Abroad. The ownership cutoff now used on the BE-11C is 25 percent. However, foreign business enterprises owned between 10 and 25 percent by a U.S. person are, by definition, also considered foreign affiliates and are thus part of the universe of U.S. direct investment abroad. Experience has shown that some of these affiliates with low ownership interests are, nevertheless, very large. Without the type of information collected on the form, data for such affiliates and, thus, for the universe as a whole, cannot be accurately estimated.

For affiliates owned between 10 and 25 percent, probably only those with assets, sales, or net income equal to or greater than $50 million would be required to report. About 90 existing reporters, and no new ones, would be required to file for about 175 additional affiliates. Of the 90 reporters, roughly 65 percent would file for one additional affiliate, (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: 20 percent would file for two additional affiliates, and 15 percent would file for three or more additional affiliates. The increase in burden for these reporters would be relatively small--about 3 hours, on average--because only a few major data items (total assets, annual sales, net income, U.S. merchandise exports and imports, employment, and employee compensation) are obtained on the BE-11C. Thus, the burden of providing the data would be small relative to the gain in accuracy of the resulting estimates.

Agency Contact: Patricia Walker, Chief, Direct Investment Abroad Branch, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 603, Tower Building, Washington, DC 20230, 202 523-0661

RIN: 0691-AA11

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Final Rule Stage

168. INCREASE IN EXEMPTION LEVELS FOR FOUR DIRECT INVESTMENT SURVEYS CONDUCTED BY BEA – QUARTERLY REPORT FORMS BE-605 AND 606B AND ANNUAL REPORT FORMS BE-133B AND 133C

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None.

Abstract: This action will raise the exemption levels for quarterly report forms BE-605 (Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent) and BE-606B (Transactions of U.S. Banking Branch or Agency with Foreign Parent) from $10.0 million to $15.0 million. It will also raise the exemption levels for annual forms BE-133C (Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investments Abroad) and BE-133B (Followup Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investments Abroad) from $8.0 million to $10.0 million. The purpose of the action is to effect a reduction in the number of reports filed by U.S. companies, thus significantly reducing the reporting and processing burden.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	52 FR 42583
NPRM Comment Period End	01/25/87	52 FR 42583
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA07

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

169. ● SHIPPER'S EXPORT DECLARATION-FOREIGN TRADE STATISTICS

Legal Authority: 13 USC 301 to 307; 5 USC 301

CFR Citation: 15 CFR 30; 15 CFR 30.55(h)

Legal Deadline: None.

Abstract: It is proposed to amend the Foreign Trade Statistics Regulations to raise the present exemption for filing shipper's Export Declarations (except for shipments requiring a validated export license) from $1000 to $1500. The exemption for shipments through the U.S. Postal Service will remain at $500.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Don L. Adams, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, 301 763-5342

RIN: 0607-AA09

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Prerule Stage

170. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None.

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, 202 377-5441

RIN: 0610-AA05

171. ● SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be

DOC—EDA — Prerule Stage

used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief, Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4678

RIN: 0610-AA31

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage
Economic Development Administration (EDA)

172. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None.

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with federal funds is being revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. As revised the change will clarify present requirements for property determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, 202 377-5441

RIN: 0610-AA07

173. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Legal Deadline: None.

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA12

174. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE – FLOOD INSURANCE PROGRAM; AND ENVIRONMENTAL REQUIREMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.15; 13 CFR 309.18

Legal Deadline: None.

Abstract: This rule amends EDA's regulation at 13 CFR 309.15 on Flood Hazard to reflect a shift in the administration of the Flood Insurance Program from the Department of Housing and Urban Development (HUD) to the Federal Emergency Management Agency (FEMA). It also updates environmental regulations at 13 CFR 309.18.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/86	51 FR 23042
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, 202 377-2710

RIN: 0610-AA16

DOC—EDA

Final Rule Stage

175. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Economic Development and Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. & Const. Ave., NW, Washington, DC 20230, 202 377-5441

RIN: 0610-AA18

176. DESIGNATION OF AREAS OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None.

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/07/86	51 FR 24512
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Ave., NW, Room 7324, Washington, DC 20230, 202 377-2710

RIN: 0610-AA19

177. DESIGNATION OF AREAS; DESIGNATION OF PWIP AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None.

Abstract: 13 CFR Part 302 at Section 302.7 entitled "Designation of Public Works Impact Program Areas" is amended at paragraph (a)(4) to delete reference to submission of an Overall Economic Development Program (OEDP) since under EDA's authorizing legislation, Public Works Impact Program (PWIP) projects need not meet OEDP requirements; and to add that although there are no boundary constraints for PWIPs under the Act, program considerations dictate that for an area to be given PWIP designation, it must be capable of analysis in light of available data establishing eligibility for designation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24302
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7329, Washington, DC 20230, 202 377-2710

RIN: 0610-AA21

178. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; UNFAIR COMPETITION

Legal Authority: 42 USC 3211; Dept. of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at Sec 309.2 entitled "Unfair Competition" has been amended to change conditions under which EDA will conduct a study (verification and evaluation) called a "702 Study" of the capacity and demand for particular goods, materials, commodities, services or facilities. The amendment will narrow the unfair competition requirements for a "702 Study" by raising the threshold amount of projects from $10,000 to $25,000. Also, the unfair competition exceptions have been expanded to apply to all EDA financial assistance programs. Certain projects are exempt from "702 Study" requirements and the definition of retention of capacity and employment has been changed by deleting the word "existing."

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/86	51 FR 16292
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic

Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7329, Washington, DC 20230, 202 377-2710

RIN: 0610-AA22

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179. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at Section 309.7 entitled "Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants" has been amended to conform, at subparagraph c to P.L. 99-180, December 13, 1985, to state that fees for services of attorneys and consultants in preparing applications for EDA financial assistance cannot be financed under P.L. 99-180; however, attorneys' and consultants' fees used to meet grant requirements, such as for example, conducting a title search or preparing plans and specifications, could be eligible project costs and paid for out of funds appropriated or otherwise made available under P.L. 99-180.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24303
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and, Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA23

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180. ● NOTICE OF AVAILABILITY OF FUNDS - UNIVERSITY CENTERS PROGRAM

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA seeks to publish a Notice concerning intended changes in its University Center Program, if funds are appropriated beyond FY 1987. These changes would gradually reduce and ultimately end EDA funding. This will enable EDA to fund other qualified institutions.

Timetable:

Action	Date	FR Cite
Final Action	03/15/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4687

RIN: 0610-AA29

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181. ● CIVIL RIGHTS - AGE DISCRIMINATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 311

Legal Deadline: None.

Abstract: This rule will amend EDA's civil rights regulations to include recent final rules promulgated by the Department of Commerce (DOC) at 15 CFR Part 20 (DOC rule). The DOC rule establishes procedures to implement the Age Discrimination Act (The Act) of 1975, as amended. The Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. EDA needs to amend its regulations to assure conformity to the DOC rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	
Final Action	06/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4687

RIN: 0610-AA30

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182. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE-NONRELOCATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.3

Legal Deadline: None.

Abstract: This rule will amend EDA's nonrelocation rule by changing the rate of interest to be charged when failure to abide by the nonrelocation rule results in termination of financial assistance provided by EDA. Interest will be at the rate used in Federal debt collection and discount evaluation under the Debt Collection Act. The rule will also state that the 48 month period for compliance by covered grantees is retroactive if the violation occurs after September 15, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	
Final Action	05/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4687

RIN: 0610-AA32

183. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - PROJECT MODIFICATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.26

Legal Deadline: None.

Abstract: The purpose of this amendment is to conform the statement of EDA's policy on project modification to guidelines established by the General Accounting Office on change of scope, by putting into regulatory language, that which has been actual EDA practice. The rule change provides standards and states that EDA will not allow project modification which would constitute a change of scope.

Timetable:

Action	Date	FR Cite
Final Action	03/00/87	
Interim Final Rule	10/20/87	51 FR 37175

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4687

RIN: 0610-AA33

184. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at section 309.7 entitled "Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants" will be amended to conform, at subparagraph c, to Pub. L. 99-500, October 18, 1986, to state that fees for services of attorneys and consultants in preparing applications for EDA financial assistance cannot be funded under Pub. L. 99-500, however, attorneys' and consultants' fees used to meet grant requirements, such as for example, conducting a title search or preparing plans and specifications, could be eligible project costs and paid for out of funds appropriated or otherwise made available under Pub. L. 99-500.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	
Final Action	06/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4687

RIN: 0610-AA34

185. ● PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None.

Abstract: EDA intends to initiate regulatory action to protect its interests by: (1) enabling EDA to acquire liens in property purchased or improved with EDA grant funds; and (2) once EDA has such ownership rights in property, by enabling EDA to expend funds to protect and care for such property, including liquidation, litigation or any other necessary action. The latter regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds. The Department of Commerce Legislative Program for the First Session of the 100th Congress includes the submission of appropriate legislation to the Congress.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	
Proposed Legislation	00/00/00	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4687

RIN: 0610-AA35

186. ● LIABILITY FOR TOXIC WASTES ASSOCIATED WITH EDA LOANS AND LOAN GUARANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA will undertake some action to enable it to minimize financial losses resulting from toxic waste on property it has acquired as a result of defaulted business loans and loan guarantees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/87	
Final Action	09/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, 202 377-4687

RIN: 0610-AA36

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Completed Actions

187. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - NONRELOCATION

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: Based upon comments received, the legislative history, and agency policy, the final rule has been changed to cover business development projects as well as grants for construction, renovation, etc. under Titles I, IV, IX and Sec. 301(f) of Title III of the Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136 42 USC 3121 et seq). The final rule will include time limits, areas and employers covered. The interim final rule now in effect narrows the nonrelocation requirements to business development projects and limits the definition of financial assistance to loans and guarantees. The interim final rule will be grandfathered to apply to projects approved from 11/13/85 until the date of publication of the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/13/85	50 FR 96749
Final Action	09/15/86	51 FR 32628

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Adm., Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th and Constitution Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA20

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Prerule Stage

188. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension

CFR Citation: 15 CFR Part undetermined

Legal Deadline: None.

Abstract: To eliminate duplicative and inconsistent debarment and suspension actions across the government. Private actions or actions by other levels of government would lack broad enough jurisdiction. This regulation will benefit the U.S. by eliminating duplicative and costly actions. Benefits have not been quantified at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605-AA02

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Completed Actions

189. ADMINISTRATIVE OFFSETS FOR DEBTS OWED THE DEPARTMENT OF COMMERCE

Legal Authority: PL 97-365, Sec 10

CFR Citation: 15 CFR 2A, (New)

Legal Deadline: None.

Abstract: The proposed regulation will cover Department procedures for withholding money due individuals and businesses indebted to the Federal Government. Administrative offsets will be used by the Department when debtors have failed to make timely and adequate payments to satisfy such debts. Prior to collecting claims through administrative offset, debtors will be provided under the regulations with a notification of the amount and nature of the claim and the Department's intention to collect the claim through administrative offset, and explanation of the debtor's rights, an opportunity for the debtor to inspect and copy the agency's records relating to the claim, an opportunity for review of the claim by the agency if contested by the debtor, and an opportunity to enter into a written agreement with the agency for repayment of the amount due. These procedures will ensure the effective use of administrative offsets when appropriate, thereby increasing collections of amounts due the Federal Government. The result will be better cash management and a slight reduction in the need of the Federal Government to borrow funds in the capital market.

Timetable:

Action	Date	FR Cite
NPRM	05/21/86	51 FR 18605
NPRM Comment Period End	06/20/86	
Final Action	12/30/86	51 FR 47004
Final Action Effective	01/24/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Agency Contact: Roger J. Mallet, Chief, Financial Management Branch, Department of Commerce, General

Administration, Office of Finance and Federal Assistance, Room 6823, 14th & Constitution Ave. NW, Washington, DC 20230, 202 377-2324

RIN: 0605-AA00

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Prerule Stage

190. ● ANTIDUMPING AND COUNTERVAILING DUTIES; MODIFICATIONS

Legal Authority: 19 USC 1303; 19 USC 1516a; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: As appropriate, the ITA will amend the current regulations in effect at the time of enactment of modifications in the statutory authority for imposing antidumping and countervailing duties, if such legislation is enacted in 1987 or 1988.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA26

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

191. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None.

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. and 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA04

192. EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Legal Authority: 19 USC 1862 Trade Expansion Act of 1962, as amended; 5 USC App. Reorganization Plan No. 3 of 1979; EO 12188

CFR Citation: 15 CFR 359

Legal Deadline: None.

Abstract: Section 359.10(a) of the existing regulation requires that a report of an investigation be organized into several sections containing classified and unclassified information. Paragraph (c) of that section requires that the report (excluding confidential material) be published in the Federal Register. Paragraph (a) will be amended to delete the report organization requirement and paragraph (b) will be amended to permit publication of either the full report or a summary thereof. It is impractical, time consuming, and not cost effective to organize the report, and publish the full report, as now required by the regulation. Section 359.10(c) will also be amended to provide that a copy of the report will be available to the public from the Publications Distribution Office of the Department rather than at ITA's Freedom of Information Records Inspection Facility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Agency Contact: Edward Levy, 232 Program Manager, Department of Commerce, International Trade Administration, Strategic Analysis Division, Washington, DC 20230, 202 377-2322

RIN: 0625-AA15

193. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002

DOC—ITA

Proposed Rule Stage

CFR Citation: 15 CFR 371; 15 CFR 377; 15 CFR 399

Legal Deadline: None.

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20236, 202 377-3984

RIN: 0625-AA21

194. ● SANCTIONS FOR VIOLATION OF ANTIDUMPING AND COUNTERVAILING DUTY PROTECTIVE ORDERS

Legal Authority: 19 USC 1677

CFR Citation: 19 CFR 353; 19 CFR 354 (added); 19 CFR 355

Legal Deadline: None.

Abstract: The ITA will add a new part 354 to the antidumping (part 353) and countervailing duty (part 355) regulations that establishes procedures for imposing sanctions against an individual, firm or other entity that violates the terms of an administrative protective order issued under 19 U.S.C. 1677. We will make conforming changes in parts 353 and 355.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, 202 377-1411

RIN: 0625-AA24

195. ● ANNUAL WATCH QUOTA ALLOCATIONS

Legal Authority: PL 97-466, Sec 110 (1983); 19 USC 1202 general headnote 3(a)

CFR Citation: 15 CFR 303

Legal Deadline: None.

Abstract: The regulation allocates watch quotas on an annual basis, in compliance with the requirements of the statute and regulations. Program issues allocations no later than March 1 of each year, under section 303.6(b) of the regulations.

Timetable:

Action	Date	FR Cite
Proposed allocation of watches	10/31/87	

Small Entity: No

Agency Contact: Frank Creel, Director, Statutory Import Programs Staff, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Rm. 1523, Washington, DC 20230, 202 377-1660

RIN: 0625-AA25

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

196. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None.

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/87	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (see Section 553(a)(2) concerning loans and grants). Revision of current regulations is in departmental process.

Affected Sectors: Multiple

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: August G. Fromuth, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625-AA05

DOC—ITA

Final Rule Stage

197. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: Current antidumping and countervailing duty regulations will be revised to reflect recent statutory changes and current administrative practices and to improve the clarity of the regulations. The revisions will improve administrative efficiency in enforcement of the antidumping and countervailing duty laws. The revisions will replace the entire text of 19 CFR Parts 353 and 355.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	
AD Regulations		
NPRM 08/13/86 (51 FR 29046)		
NPRM Comment Period End 09/30/86		
CVD Regulations		
NPRM 06/10/85 (50 FR 29225)		
NPRM Comment Period End 09/09/85 (50 FR 32088)		

Small Entity: No

Affected Sectors: Multiple

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Acting, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. & 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA08

198. ● ANTIDUMPING AND COUNTERVAILING DUTIES - DE MINIMIS

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: The ITA will amend the antidumping and countervailing duty regulations to provide that de minimis margins of dumping and de minimis subsidies shall be disregarded. The change is required by a recent decision of the Court of International Trade, which overturned the ITA's longstanding administrative practice regarding de minimis.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35529
Final Action	10/00/87	

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, 202 377-1411

RIN: 0625-AA23

DEPARTMENT OF COMMERCE (DOC)

National Bureau of Standards (NBS)

Proposed Rule Stage

199. FIPS FOR SESSION PROTOCOL STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide for reliable connections between users on a computer network. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal Government agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 975-2833

RIN: 0693-AA12

200. FIPS FOR MESSAGE TRANSFER PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide for reliable exchange of messages through Federal Government computer networks. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 975-2833

RIN: 0693-AA17

201. FIPS FOR INTERNETWORK PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide the specifications for network interconnection via procedures for the connectionless transmission of data and control information from one network entity to another. It is based on the work of the International Organization for Standardization and is one of a family of computer network protocol standards which will make possible computer-to-computer communications of Federal ADP systems. It will enable

organizations to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA40

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202. FIPS FOR CODES FOR THE IDENTIFICATION OF AQUIFER NAMES AND GEOLOGIC UNITS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This standard will adopt for Federal government use codes for aquifer names and geologic units developed by the Department of the Interior under its Memorandum of Understanding with NBS to develop and maintain earth science data element and representation standards. The standard will facilitate the interchange of information among Federal departments and agencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA44

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203. REVISION TO FIPS 29-1, INTERPRETATION PROCEDURES FOR FEDERAL INFORMATION PROCESSING STANDARD PROGRAMMING LANGUAGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This revision to the interpretation procedures for Federal Information Processing Standard programming languages will provide for more flexibility and more timely response to requests for interpretations by adding to the methods that are available for developing interpretations.

Timetable:

Action	Date	FR Cite
NPRM	12/10/86	51 FR 44505
NPRM Comment Period End	03/10/87	51 FR 44505
Final Action	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA47

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204. FIPS FOR STANDARD GENERALIZED MARKUP LANGUAGE (SGML)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an International Standard ISO/DIS 8879 (currently a draft standard) which standardizes the application of generic coding and generalized markup concepts for documents that are processed by text processing and word processing systems. It provides a coherent and unambiguous syntax for describing what a user chooses to identify within a document. Use of this standard will facilitate the interchange of documents among systems with differing text processing languages and the processing of documents by more than one application, when applications use the same text processing language.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA50

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205. FIPS FOR RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; 4-TRACK, SERIAL, 0.250 IN (6.30 MM), 6400 BPI (252 BPMM) INVERTED MODIFIED FREQUENCY MODULATION ENCODED

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA51

206. FIPS FOR SERIAL RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; FOUR AND FIVE TRACK, 0.250 IN (6.30 MM) 8000 BPI (315 BPMM) STREAMING MODE GROUP CODE RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA52

207. FIPS FOR ONE-HALF INCH MAGNETIC TAPE INTERCHANGE USING A SELF LOADING CARTRIDGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.85-1981) which provides the requirements and test methods necessary to ensure physical interchange of a self loading cartridge to be used with 1/2 inch wide magnetic tape.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA53

208. FIPS FOR RECORDED FORMATS FOR ONE AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 IN (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA54

209. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA55

210. ● FIPS FOR DEVICE LEVEL INTERFACE FOR STREAMING CARTRIDGE AND CASSETTE TAPE DRIVES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.146-1986) that specifies the interface between streaming cartridge and cassette tape drives, and small computer systems. This standard will facilitate the acquisition of cartridge and cassette tape drives made by different manufacturers, expand the Federal Government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA57

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211. ● FIPS FOR INTERFACES BETWEEN FLEXIBLE DISK CARTRIDGE DRIVES AND THEIR HOST CONTROLLERS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.80-1981) that specifies the interface between flexible disk drives and the host system. This standard will facilitate the acquisition of flexible disk drives made by different manufacturers, expand the Federal government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA58

212. ● REVISIONS TO FIPS 60, 61, 62, 63, 97, AND 111, COMPUTER SYSTEM INPUT/OUTPUT (I/O) INTERFACE STANDARDS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Revisions to the family of input/output (I/O) interface standards will be proposed to reflect changes in computer technology and to facilitate the interconnection of peripherals to personal and minicomputers. New applicability, implementation and waiver provisions will be proposed to existing interface standards to be effective after January 1, 1990. A transition plan to cover the period from January 1988 to January 1990 will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA59

213. ● REVIEW OF FIPS 46, DATA ENCRYPTION STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: FIPS 46, Data Encryption Standard (DES), will be reviewed to assess its adequacy in protecting unclassified computer information. FIPS 46 was approved for Federal government use in 1977 and reaffirmed in 1983. The DES specifies an algorithm to be implemented in electronic hardware devices and used for the cryptographic protection of computer data.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA60

214. ● FIPS FOR GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROCUREMENT (GOSIP)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt a procurement specification developed by the Government Open Systems Interconnection Users Group. The specification will enable the Federal government to acquire computer network systems that conform to national and international standards for OSI. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA61

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Final Rule Stage

215. FIPS FOR TRANSPORT PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard provides for reliable, transparent transfer of data between two heterogeneous or homogeneous computer systems. The standard is based on an international consensus and is compatible with the International Organization for Standardization (ISO) document ISO/TC97/SC 16 N 1169, class 2 and class 4. This is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal

agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/81	46 FR 14913
ANPRM Comment Period End	05/03/81	46 FR 14913
NPRM	05/20/83	48 FR 22770
NPRM Comment Period End	08/18/83	48 FR 22770
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 975-2833

RIN: 0693–AA06

216. FIPS FOR DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.135) that defines the structure and operations of a relational data model and specifies data definition and data manipulation language interfaces to database systems supporting the relational model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	04/21/86	51 FR 13542
NPRM Comment Period End	07/21/86	51 FR 13542
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA32

217. FIPS FOR OPTICAL CHARACTER RECOGNITION (OCR) DOT MATRIX CHARACTER SETS FOR OCR-MA

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.111) which provides the description, scope, and application rules for a character set that is generated by dot matrix printers and that closely matches the OCR-A character set. Use of this standard will reduce the cost of data input into ADP systems which use OCR equipment.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46474
NPRM Comment Period End	02/06/86	50 FR 46474
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA33

218. FIPS FOR DATABASE LANGUAGE NDL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (current ANSI BSR X3.133-198x) that defines the structure and operations of a network data model and specifies data definition and data manipulation language interfaces to database systems supporting the network model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	04/21/86	51 FR 13542
NPRM Comment Period End	07/21/86	51 FR 13542
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA34

219. FIPS FOR BASIC PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the BASIC programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/13/86	51 FR 1418
NPRM Comment Period End	04/14/86	51 FR 1418
Final Action	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA35

220. FIPS FOR INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (now draft proposed) which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32610
NPRM Comment Period End	11/12/85	50 FR 32610
Final Action	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA38

221. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA39

222. FIPS FOR SMALL COMPUTER SYSTEM INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently dpANS X3.131) which defines the physical, electrical, and mechanical specifications for an 8-bit parallel bus, suitable for connecting physically small computers to each other and to mass storage peripherals. This standard is widely used in industry, and will enable Federal users to reduce costs and improve reutilization of mass storage components for small systems.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28402
NPRM Comment Period End	11/05/86	51 FR 28402
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA41

223. FIPS FOR INTELLIGENT PERIPHERAL INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt American National Standards (currently dpANS X3.129, dpANS X3.130, dpANS X3.132, and X3T9/85-37) which provide for the interconnection of high performance computer systems and mass storage components for large and medium scale computers. This standard will be an alternative to FIPS 60, I/O Channel Interface, and will enable Federal agencies to reduce the cost of computer system components through improved competition.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28402
NPRM Comment Period End	11/05/86	51 FR 28402
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA42

224. FIPS FOR COMPUTER GRAPHICS METAFILE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) that specifies a file format suitable for the description, storage, and communication of graphical information in a device independent manner. Use of this standard will facilitate the transfer

of graphical information between different graphical software systems, different graphical devices, and different computer installations, and will reduce time in recomputing and regenerating graphical information.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	51 FR 17788
NPRM Comment Period End	08/13/86	51 FR 17788
Final Action	03/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA45

225. FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
Final Action	07/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA48

226. FIPS FOR UNIX* OPERATING SYSTEM DERIVED ENVIRONMENTS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt the Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System for Computer Environments (IEEE 1003.1/POSIX**). This standard will facilitate the interchange of computer programs between UNIX operating system derived environments and make it possible to increase the productivity of staff members who develop and document computer programs for these systems.

* UNIX is a registered trademark of AT&T.

**POSIX is a trademark of the IEEE.

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30896
NPRM Comment Period End	11/28/86	51 FR 30896
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA49

227. REVISION TO FIPS 5-1, CODES FOR THE IDENTIFICATION OF THE STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE UNITED STATES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This revision provides two-letter alphabetic codes and two-digit numeric codes for each State and the District of Columbia. These codes, which are used for interchange of data between Federal agencies and with non-Federal organizations, are unchanged from FIPS 5-1. In addition, alphabetic and numeric codes will be provided for outlying areas of the United States to be consistent with these codes provided in FIPS 10-3, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions, and FIPS 104-1, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28406
NPRM Comment Period End	11/05/86	51 FR 28406
Final Action Effective	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA56

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Completed Actions

228. FIPS 70-1, REPRESENTATION OF GEOGRAPHIC POINT LOCATIONS FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This revision will extend the current FIPS which establishes uniform formats for geographic point location data that is collected, processed and analyzed by Federal Government agencies. The extensions will provide for more complete and accurate representation of data.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41478
NPRM Comment Period End	12/14/83	48 FR 41478
Final Action	11/14/86	51 FR 41379
Final Action Effective	04/15/87	51 FR 41379

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 975-2833

RIN: 0693-AA13

229. FIPS 125, MUMPS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI/MDC X11.1-1984) which defines the syntax of language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10648
NPRM Comment Period End	06/26/86	51 FR 10648
Final Action	11/04/86	51 FR 40056
Final Action Effective	05/01/87	51 FR 40056

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA36

230. FIPS 123, SPECIFICATION FOR A DATA DESCRIPTIVE FILE FOR INFORMATION INTERCHANGE (DDF)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an International Standard ISO 8211, which provides a standard interchange format for data structures, data files, data definitions, and databases. Use of this standard will enable Federal agencies to transport data easily between computer systems of different manufacturers and to restructure the data without loss of content or meaning.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33090
NPRM Comment Period End	11/14/85	50 FR 33090
Final Action	09/19/86	51 FR 33288
Final Action Effective	04/01/87	51 FR 33288

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA37

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

NATIONAL MARINE FISHERIES SERVICE

231. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Legal Deadline: None.

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

DOC—NOAA Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 673-5374

RIN: 0648-AA46

232. ● MARINE FISHERY USER FEES

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: A marine fishery user fee system will provide a substantial and stable source of revenue to partially offset Federal fishery expenditures and information needed for effective fishery management. Fees would be collected from the sale of marine fish conservation permits and stamps, and from an assessment on landing or delivery of fish for commercial purposes. Revenues would be shared with the states for marine fishery conservation activities. Administration costs are estimated to be $7,500,000 annually, with net Federal revenues of approximately $40 million.

Timetable:

Action	Date	FR Cite
Preparatory discussion with Postal Service	01/00/87	
Preparatory discussion with Congressional staff	02/00/87	
Preparatory introduction of legislation	04/00/87	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $7,500,000; Yearly Recurring Cost: $7,500,000; Base Year for Dollar Estimates: 1986

Affected Sectors: 203 Canned and Preserved Fruits and Vegetables

Government Levels Affected: State, Federal

Agency Contact: John T. Everett, Chief, Policy and Planning Staff, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, DC 20235, 202 673-5464

RIN: 0648-AB93

233. ● PERFORMANCE STANDARDS FOR TUNA SKIPPERS

Legal Authority: 16 USC 1361 to 1407 Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None.

Abstract: During 1986 the overall annual quota for allowable incidental mortality of porpoise in the eastern tropical Pacific was reached in October and the U.S. tuna purse seine fleet was prohibited from fishing for tuna associated with porpoise. Industry representatives asserted that the quota was reached because a small fraction of vessel operators had exceptionally high kills. The industry representatives requested NMFS to develop sanctions to use against the certificates held by the offending operators to prevent their actions from penalizing the entire industry.

The NMFS does not now have porpoise mortality standards to serve as the basis for any permit action. The purpose of the proposed rule will be to establish appropriate standards which will improve the U.S. fleet's overall porpoise safety performance and identify individual poor performers for remedial action or, if necessary, elimination from the fishery.

Timetable:

Action	Date	FR Cite
Review of Options Paper on Alternative Porpoise Mortality Standards	00/00/00	

Small Entity: Undetermined

Agency Contact: Dr. Nancy Foster, Director, Office of Protected Species & Habitat Cons., Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, 202 673-5350

RIN: 0648-AC07

234. ● TAKING OF MARINE MAMMALS INCIDENTAL TO UNDERWATER TESTS BY THE DEPARTMENT OF THE NAVY

Legal Authority: 16 USC 1361 to 1407 Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228

Legal Deadline: None.

Abstract: Based on a request from the Department of the Navy, NMFS is considering regulations that would allow a small number of harbor seals and California sea lions to be taken incidental to underwater explosive tests in San Francisco Bay. Section 101(a)(5) of the Marine Mammal Protection Act allows the taking of small numbers of Marine mammals incidental to specified activities provided that certain findings can be made and regulations are established that set forth permissible methods of taking and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/87	
ANPRM Comment Period End	05/01/87	
NPRM	07/01/87	
NPRM Comment Period End	08/01/87	
Final Action	10/01/87	
Final Action Effective	11/01/87	

Small Entity: No

Agency Contact: Nancy Foster, Director, Office of Protected Species and Habitat Conservation, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, 202 673-5350

RIN: 0648-AC08

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

235. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None.

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Republish as interim final rule	04/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: B. G. Thompson, Acting Chief, Fisheries Statistics Program, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Data & Information Management, NMFS, Washington, DC 20235, 202 673-5335

RIN: 0648-AA38

236. REGIONAL FISHERY MANAGEMENT COUNCILS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 601

Legal Deadline: None.

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is being considered to conform with new legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Loretta Williams, Fishery Management Assistant, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, 202 673-5263

RIN: 0648-AB09

237. FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.14

Legal Deadline: None.

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	49 FR 50498
NPRM Comment Period End	06/14/87	49 FR 50498
Final Action	08/02/87	
Final Action Effective	09/01/87	

Small Entity: No

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5319

RIN: 0648-AB23

238. DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 653, (Reserved)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	
NPRM Comment Period End	08/14/87	
Final Action	10/03/87	
Final Action Effective	11/02/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine

Fisheries Service, 14 Elm St. FNER, Gloucester, MA 01930, 617 281-3600

RIN: 0648–AB30

239. ATLANTIC BILLFISH AND SHARKS FISHERY - FOREIGN FISHING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Amends foreign fishing regulations at 50 CFR 611.61 to provide means to adjust seasonal closures affecting foreign longline fishermen to reduce conflicts with domestic fishermen and foreign incidental catches of billfish.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Carmen J. Blondin, Deputy Assistant Admin. for Fishery Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5260

RIN: 0648–AB33

240. AMENDMENT FOR ALASKA GROUNDFISH AND HIGH SEAS SALMON FISHERY MANAGEMENT PLANS - CLOSE FCZ INTRUSION INTO STATE WATERS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: None.

Abstract: This amendment will implement the intent of current legislation that refers to the State of Alaska management of groundfish in Federal waters that intrude into the intercoastal waters of southeastern Alaska. It affects the Gulf of Alaska groundfish and High Sea salmon fisheries. The amendment to the Gulf of Alaska Groundfish Fishery Management Plan to redefine Sablefish Management Boundaries (RIN 0648-AB39) has been combined with this action.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AB41

241. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 674

Legal Deadline: None.

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the fishery conservation zone (FCZ) off Alaska and who sell, transfer, or deliver salmon in the FCZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer, or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
Interim Rule and request for comments pub.	07/23/84	49 FR 29611
Interim Rule expired	01/23/85	49 FR 29611
NPRM	04/01/87	
NPRM Comment Period End	06/15/87	
Final Action	07/05/87	
Final Action Effective	08/05/87	

Small Entity: Undetermined

Additional Information: This rule contains a collection of information requirements subject to the Paperwork Reduction Act, which has been approved as OMB control number 0648-0016.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AB44

242. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 220; 50 CFR 222

Legal Deadline: None.

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would

allow permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: Undetermined

Additional Information: Potential cost to applicants is estimated at 2500. Cost per applicant is estimated at $10. Each applicant will be required to submit a conservation plan as part of the permit process. As part of their conservation plan, fishermen will have the option of voluntary use of the Trawling Efficiency Device which allows trapped sea turtles to escape from fishing nets. Selection of this option will result in an additional cost of approximately $400 per Device. NEPA, E.O. 12291 and RFA determinations have not been undertaken.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Carter, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, 202 673-5351

RIN: 0648-AB47

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243. ● IMPLEMENTATION OF FISHERY MANAGEMENT RECOMMENDATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 601

Legal Deadline: None.

Abstract: Revision will implement P.L. 99-659 and accepted recommendations of the NOAA Fishery Management Study completed in 1986. The objective is to improve the process of fishery management under the Magnuson Fishery Conservation and Management Act. The Study analyzed alternatives to the existing system. Benefits include unquantifiable improvements in efficiency and resource conservation. Costs are expected to be absorbed by improved priorities in the Federal fishery program.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	
NPRM Comment Period End	06/02/87	
Final Action	06/30/87	

Small Entity: Not Applicable

Agency Contact: Bruce W. Norman, Sr. Policy Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5464

RIN: 0648-AB57

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244. SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC - AMENDMENT 1

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 641, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: There is a high mortality of undersized lobsters used as live bait in traps, an increasing number of traps in the fishery, incompatible State and Federal regulations, and an excessive number of abandoned traps. New management measures include: a Federal permit to fish, commercial lobster season from April 1 to August 5th, minimum tail length of 5 inches, required onboard live well for carrying lobsters used as bait, a Federal permit to fish, modify the sportfishing possession limit, request modification of the State reporting requirements, require release of all egg-bearing lobsters, require a permit to separate lobsters at sea, limit possession of undersize lobster on board to 100, and require identification of gear and vessels. Estimated benefits are an increase in annual yield of 1.5 million pounds and an increase of $3.3 million to fishermen by 1987. The benefits will exceed the costs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review and a regulatory flexibility analysis was prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AB74

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245. AMENDMENT NO. 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 681

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This Amendment will (1) incorporate management measures for Slipper Lobster, and (2) require the use of escape vents in Lobster pots.

Timetable:

Action	Date	FR Cite
NPRM	02/13/87	
NPRM Comment Period End	03/30/87	
Final Action	05/19/87	
Final Action Effective	06/18/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731, 213 514-6196

RIN: 0648-AB81

246. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 650

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This Amendment will revise the management program for Atlantic sea scallops by the following possible changes: (1) modify the meat count measure to include a provision for seasonal changes reflecting size changes; (2) supplement the meat count measure with some type of gear specification measure designed to increase the size-selectivity of scallops harvested; and (3) establish seasonal closure provisions for certain areas having high densities of immature scallops.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/14/87	
Final Action	12/19/87	
Final Action Effective	01/18/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Acting Regional Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB83

247. SEA TURTLE CONSERVATION; SHRIMP TRAWL REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222.41; 50 CFR 227.72(e)(3)

Legal Deadline: None.

Abstract: The NMFS is mandated by the Endangered Species Act of 1973 (ESA) to conserve and protect endangered and threatened species. Six species of marine turtles are listed as endangered or threatened under the ESA. Significant numbers of listed turtles are caught and drowned incidental to shrimp fishing operations in the Gulf of Mexico and the U.S. South Atlantic. To address this problem, NMFS developed the Trawling Efficiency Device (TED). When attached to a shrimp trawl, this excluder gear reduces the incidental capture of sea turtles by 97 percent in addition to reducing other unwanted by-catch associated with shrimp trawling. NMFS is now considering promulgating regulations that would require the use of TEDs in several significant geographical areas of the Gulf of Mexico and the U.S. South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	03/02/87	52 FR 6179
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Charles A. Oravetz, Chief, Protected Species Management Branch, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Regional Office, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3366

RIN: 0648-AB86

248. ● RESUBMITTED PORTION OF AMENDMENT 1 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 649

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The revised portion of the amendment will exempt Mid-Atlantic black sea bass fishing gear from the escape vent requirement in a specified fishing area east and south of Barnegat, New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	04/13/87	
Final Action	05/19/87	
Final Action Effective	06/18/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NER, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB89

249. ● SECRETARIAL AMENDMENT OF THE FISHERY MANAGEMENT PLAN FOR THE COMMERCIAL TANNER CRAB FISHERY OFF THE COAST OF ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 671

Legal Deadline: None.

Abstract: If this Secretarial Amendment to the Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) is implemented, it would repeal the FMP and its implementing regulations. The North Pacific Fishery Management Council is preparing a new FMP. However, during an interim period following repeal of the current FMP, and before implementation of a new FMP, the Tanner crab fishery would be managed to the extent that vessels are registered in the State of Alaska by the State. Repeal of the current FMP is necessary because it fails to provide for timely coordination with the State of Alaska's inseason management actions and may result in violation of National Standards 1, 2, 5, 6, and 7 of the Magnuson Act. While the current FMP allows for inseason actions to protect stocks of Tanner crab it does not permit inseason actions based solely on socioeconomic reasons. The new FMP in draft will contain Tanner crabs and King crabs and better defined frameworking mechanisms.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8319
Final Action	04/12/87	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Regional Director, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Services, P.O. Box 1668, Juneau, AK 99802, 907 586-7229

RIN: 0648–AB90

250. ● AMENDMENT 1 TO THE RED DRUM FISHERY MANAGEMENT PLAN FOR THE GULF OF MEXICO

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 604; 50 CFR 653

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The amendment proposes to divide federal waters in the Gulf into a primary and two secondary management areas. The Council proposes no retention of red drum in either secondary area. The Council is also expected to identify a procedure for establishing a TAC in the primary area to allow for the allocation of catch among user groups if a surplus is indicated.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	05/15/87	
Final Action	07/15/87	
Final Action Effective	08/15/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AB91

251. ● AMENDMENT 1 TO THE SWORDFISH FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 630

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 1 will address the continuing decline of large swordfish. U.S. fishery has changed dramatically in recent years. The larger, economically important swordfish are rarely found in nearshore fishery grounds that need to be productive. Fishermen have turned to tuna in these waters or are required to go to distant water for larger swordfish. The Councils will consider size limits, area closures and quota management in amendment 1 in an attempt to restore the nearshore swordfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	
Final Action	01/15/88	
Final Action Effective	02/15/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AB92

252. ● SAFETY OF UNITED STATES OBSERVERS ABOARD FOREIGN FISHING VESSELS

Significance: Regulatory Program

Legal Authority: PL 99-659

CFR Citation: 50 CFR 611.8

Legal Deadline: None.

Abstract: United States observers are required aboard foreign vessels permitted to fish in the U.S. Exclusive Economic Zone (EEZ). Conditions aboard these vessels can be hazardous to the safety of observers. To prevent injury to observers, the Department of Commerce intends to publish minimum safety standards that must be maintained aboard foreign fishing vessels before they will be permitted to fish in the U.S. EEZ.

The alternative to establishing U.S. standards is to accept flag-state standards as adequate. This solution will probably not be feasible because there is a wide variation in foreign safety standards and differing degrees of compliance with standards. In some cases, foreign fishing vessels meeting existing flag-state standards would not be suitable for U.S. observers.

Costs of this action will be borne by the owners of foreign fishing vessels. This action is beneficial in that it may prevent serious injury, including death, to observers during the performance of their duty.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: Undetermined

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5299

RIN: 0648–AB94

253. ● AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 642

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 2 will clarify and revise the framework measures providing for seasonal adjustment, revised maximum sustainable yield, adjust total allowable catch, and establish allocation procedures for Spanish mackerel, regulate mackerel fishing gear, and provide for fishing permits.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AB95

254. ● GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS - AMENDMENT 11

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 675

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The regulation will address preventing overfishing of sablefish, protection for halibut, assistance to local fisheries and processors, inadequate information on at-sea transfers of fish and the economic value of catches, and potential loss of economic benefits by unnecessary catch limits. Alternatives being considered are: Minimum size for sablefish, increased restrictions on incidental catches of halibut, closure of an area around unalaska islands to foreign fishing and domestic fishing for transfer to foreign processing vessels in an effort to assist domestic processors, closure of an area in the eastern Bering Sea to trawl fishing (May-July) to assist the local fishery for Pacific cod, increase the upper limit of optimum yield to domestic vessels, require reporting of the transfer of fish at-sea among domestic vessels, require reporting of foreign processed fish, require reporting of more economic data on catches, and allow the retention and sale of fish by research charter vessels.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	
NPRM Comment Period End	12/15/87	
Final Action	02/03/88	
Final Action Effective	03/05/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668 F/AKR, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB96

255. ● AMENDMENT 2 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 649

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 2 will increase the minimum legal carapace length for American lobster, protect v-notched lobsters, and establish a nation-wide lobster minimum size with a prohibition on berried or scrubbed lobsters.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	08/28/87	
Interim Final Rule	10/18/87	
Final Action	11/17/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB97

256. ● GROUNDFISH OF THE GULF OF ALASKA - AMENDMENT 16

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The regulation addresses problems of preventing overfishing of sablefish, incidental catches of halibut, and inadequate information on catches and transfers of fish. Alternatives are limited entry on the sablefish fishery, minimum size for sablefish, a moratorium on bottom trawling in the eastern Gulf of Alaska, establishing a fixed percentage of allowable sablefish harvests between the three areas of the Gulf of Alaska, closures around Kodiak Island to protect juvenile halibut, and requiring additional information about the economic value of catches and the transfer of fish at sea.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	
NPRM Comment Period End	10/12/87	
Final Action	12/01/87	
Final Action Effective	12/31/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB98

257. ● AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 661

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This Amendment is expected to address a variety of subjects including: (1) inclusion of habitat considerations; (2) establishment of escapement goals and an allocation plan for Klamath River fall chinook; (3) shore side sorting of salmon caught incidentally in trawl fisheries for Pacific whiting and other non-salmon fisheries;

(4) defining quotas as guaranteed catches; (5) counting of inshore recreational harvests toward ocean quotas; and (6) inclusion of vessel safety consideration.

Timetable:

Action	Date	FR Cite
NPRM	10/25/87	
NPRM Comment Period End	12/09/87	
Final Action	01/28/88	
Final Action Effective	02/28/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AB99

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258. ● AMENDMENT 3 TO THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 E. LONGITUDE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 674

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This Amendment will (1) update the scientific data and other information used as a basis for management actions, (2) enhance the framework aspect of annual and inseason rulemaking under the fishery management plan (FMP), and (3) ensure conformity of the FMP with the Pacific Salmon Treaty.

Timetable:

Action	Date	FR Cite
NPRM	11/15/87	
NPRM Comment Period End	12/30/87	
Final Action	02/19/88	
Final Action Effective	03/20/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AC00

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259. ● FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1988

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611.22

Legal Deadline: Statutory, January 1, 1988.

Abstract: This rule will set poundage and permit fees for foreign fishing in 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action	12/15/87	
Final Action Effective	01/01/88	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, 202 673-5315

RIN: 0648-AC01

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260. ● NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 651

Legal Deadline: Statutory. 110 days after the plan is submitted by the fishery management council.

Abstract: This plan will provide additional protection to groundfish resources in the North Atlantic beyond that provided by the current Northeast Multispecies FMP, which was implemented on an interim basis until September 30, 1987. The plan will be aimed at reducing fishing pressure on ten valuable fish species and rebuilding their stocks (cod; haddock; yellowtail; winter, windowpane, and witch flounders; pollock; redfish or ocean perch; American plaice; and white hake).

Timetable:

Action	Date	FR Cite
NPRM	05/25/87	
NPRM Comment Period End	07/10/87	
Final Action	08/29/87	
Final Action Effective	09/28/87	

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNER - NMFS, State Fish Pier, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AC04

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261. ● LABELING REQUIREMENTS FOR FROZEN FISH BLOCKS AND PRODUCTS THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act

CFR Citation: 50 CFR 264.200, (New); 50 CFR 264.201, (New)

Legal Deadline: None.

Abstract: NMFS is in the process of developing U.S. Standards for Grades of Mixed Fillet/Mince Fish Blocks and Revising Standards for Fillet Blocks and Minced Fish Blocks, as well as for Fish Sticks and Portions. Uniform labeling of frozen fish blocks, and fish sticks and portions is important to avoid confusion among processors, who buy fish blocks, and among consumers, who buy the fish sticks and portions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric

Administration, Office of Utilization Research, Washington, DC 20235, 202 673-5374

RIN: 0648–AC06

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

262. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AA33

263. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None.

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB49

264. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None.

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB50

265. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB64

266. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None.

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changes the name of the program to "National Estuarine Reserve Research System"; (3) the amount of Federal financial assistance is increased to $4,000,000 per site; and (4) submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine

Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AB68

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267. ● RULEMAKING TO IMPLEMENT 1985 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA)

Legal Authority: 16 USC 1456; PL 99-272, Subtitle D

CFR Citation: 15 CFR 923

Legal Deadline: None.

Abstract: PL 99-272, the Coastal Zone Management Reauthorization Act of 1985, amended Sec 306(g) of the Coastal Zone Management Act (16 USC 1456) dealing with submission and approval of changes to federally-approved state coastal zone management programs. NOAA/OCRM intends to issue regulations to implement these provisions and to correct problems NOAA/OCRM and the states have experienced in processing program change requests.

Timetable:

Action	Date	FR Cite
Issue paper distributed	09/12/86	
NPRM	06/30/87	
NPRM Comment Period End	07/30/87	
Final Action	11/30/87	
Final Action Effective	01/30/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Mark Stanga, Associate Director, OCRM, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Room 701, Washington, DC 20235, 202 673-5100

RIN: 0648-AC02

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268. ● PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 935

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AC03

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269. ● PROPOSED REGULATIONS FOR THE POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 936

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AC05

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

NATIONAL MARINE FISHERIES SERVICE

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270. CIVIL PROCEDURES

Legal Authority: 15 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 15 CFR 904

Legal Deadline: None.

Abstract: The existing regulations (15 CFR 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings, summary forfeitures, and for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/85	50 FR 12781
Final Action	04/15/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Margaret H. Frailey, Asst. General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement and Litigation, 1825 Connecticut Avenue, NW, Room 607, Washington, DC 20235, 202 673-5220

RIN: 0648-AA26

271. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None.

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
Interim Final Rule	10/01/87	47 FR 21840

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 673-5374

RIN: 0648-AA47

272. MARKING REQUIREMENTS FOR THE IMPORTATION, EXPORTATION, & INTERSTATE TRANSPORTATION OF FISH OR WILDLIFE

Significance: Regulatory Program

Legal Authority: 16 USC 3371 to 3375 Lacey Act Amendments of 1981

CFR Citation: 50 CFR 14.81 to 14.83; 50 CFR 246.1 to 246.3

Legal Deadline: None.

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. The regulations will conform to current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	
Final Action	06/01/87	

Small Entity: No

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Steven C. Springer, Special Agent In Charge, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement Div., NMFS, Washington, DC 20235, 202 673-5299

RIN: 0648-AA53

273. U.S. STANDARDS FOR GRADES OF FRESH OR FROZEN NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 267, (New)

Legal Deadline: None.

Abstract: This final standard will establish a voluntary standards system to identify various products made from North American Freshwater Catfish and to grade these products A, B, C and Substandard. The objective of the standard is to facilitate trade in these products thereby benefiting the consumer. The standard will be used by NMFS in the voluntary program of fishery products inspection and certification. Industry has expressed strong support for these voluntary standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27514
Final Action	05/01/87	
Final Action Effective	07/01/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 027 Animal Specialties; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5374

RIN: 0648-AA73

274. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This amendment will (1) authorize closing a regulatory area or district to directed fishing for sablefish to a specific gear type prior to the achievement of that gear's allocation of optimum yield but would allow sablefish to be taken as a bycatch, and (2) allow continued fishing for other species when the optimum yield for one species has been reached. The species for which OY has been reached would become a prohibited species.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 20659
NPRM Comment Period End	07/03/86	
Final Action	03/09/87	
Final Action Effective	04/09/87	

Small Entity: No

Additional Information: An RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB40

275. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None.

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	08/13/86	51 FR 28963
NPRM Comment Period End	11/14/86	51 FR 36568
Final Action	05/01/87	
Final Action Effective	07/01/87	

Small Entity: No

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Conservation, NMFS, Washington, DC 20235, 202 673-5351

RIN: 0648-AB46

276. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; TECHNICAL AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672; 50 CFR 674

Legal Deadline: None.

Abstract: As required under P.L. 98-623, NOAA issues a technical amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	
Final Action Effective	12/00/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Marilyn Luipold, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service GCF, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5206

RIN: 0648-AB51

277. FISHERY MANAGEMENT PLAN FOR PACIFIC BILLFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 682

Legal Deadline: Statutory. 110 days after the fishery management plan is submitted by the fishery management council.

Abstract: The Western Pacific Fishery Management Council voted unanimously to amend the FMP by limiting the size of the areas closed to foreign longline vessels. The Amendment establishes a set of criteria which must be met before the Regional Director can make a closure determination. The criteria are based on the adverse impact of foreign fishing on the catch efforts, gear or economic performance of domestic vessels.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 45141
NPRM Comment Period End	01/23/87	51 FR 45141
Final Action	03/14/87	
Final Action Effective	04/13/87	

Small Entity: No

Additional Information: An RIA will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

DOC—NOAA

Final Rule Stage

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry St., Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB61

278. REGULATIONS GOVERNING THE HARASSMENT OF HUMPBACK WHALES

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None.

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100 yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Final Action	04/01/87	
Final Action Effective	05/01/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, 213 514-6201

RIN: 0648-AB79

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

279. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None.

Abstract: As a result of the Marine Protection, Research and Sanctuaries Act reauthorization signed by the President on October 19, 1984, the regulations are being revised to incorporate modifications from the new legislation regarding the sanctuary designation process and site selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21369
NPRM Comment Period End	08/11/86	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AA31

280. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None.

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the Coastal Zone Management Act of 1972, as amended (CZMA), and therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) required that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally-approved state coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Draft study issued	04/00/85	
Final Action	08/30/85	50 FR 35210
Completion of Study	09/00/88	

Small Entity: No

Additional Information: NOAA issued a final rule August 31, 1985 making the changes required by the Supreme Court Decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: James P. Blizzard, Deputy Director, Office of Ocean and Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5111

RIN: 0648-AA34

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

281. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Significance: Regulatory Program

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 970, (Exploration Regulations); 15 CFR 971

Legal Deadline: None.

DOC—NOAA — Final Rule Stage

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations (15 CFR 971), prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	07/25/86	51 FR 26794
Public Hearings, 08/26/86, 09/11/86 and	09/09/86	51 FR 26794
NPRM Comment Period End	11/24/86	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: No

Additional Information: A preliminary RIA & RFA have been prepared for the commercial regulations to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The preliminary RIA and RFA are available as is the programmatic environmental impact statement and the supplemental environmental assessment.

Affected Sectors: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Blast Furnaces, Steel Works, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; See Additional Information

Agency Contact: James P. Lawless, Chief, Oceans Minerals and Energy Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 1825 Connecticut Ave., NW, Suite 710, Washington, DC 20235, 202 673-5121

RIN: 0648-AA36

DEPARTMENT OF COMMERCE (DOC) — Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

282. U.S. GENERAL STANDARDS FOR GRADES OF FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 263C; 50 CFR 263D; 50 CFR 263E

Legal Deadline: None.

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Subparts 263A, B, C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards. The timetable for this action is very tentative. Further research will be needed before publication of the rule.

Timetable:

Action	Date	FR Cite
Withdrawn No action has been scheduled for this item	10/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 673-5374

RIN: 0648-AA45

283. AMENDMENT 10 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 671

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: A major amendment to the existing Tanner crab fishery management plan which would expand the Alaska Regional Director's field order authority to adjust harvest levels and seasons (similar to the proposal contained in Amendment 9 which was partially disapproved by the Secretary). The amendment also may modify optimum yields, pot storage areas, and fishery management boundaries so that FCZ intrusions into State of Alaska waters would fall under State management. This amendment will be developed during the temporary one year suspension of Federal Tanner crab regulations. The amendment is to take effect November 1, 1987, when the new fishing year begins.

Timetable:

Action	Date	FR Cite
Withdrawn - no action contemplated during reporting period	02/27/87	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668 FAKR, Juneau, AK 99802, 907 586-7221

RIN: 0648–AB38

284. FOREIGN PERMIT CONDITIONS AND RESTRICTIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611

Legal Deadline: None.

Abstract: The action will address the question of what conditions and restrictions are appropriate for the issuance of foreign fishing permits. The results of an advance notice of proposed rulemaking will be analyzed and a final decision made on whether further action is needed.

Timetable:

Action	Date	FR Cite
Withdrawn - no action expected during reporting period	02/27/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5319

RIN: 0648–AB67

285. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1987

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611.22

Legal Deadline: Statutory, January 1, 1987.

Abstract: This rule will set poundage and permit fees for foreign fishing in 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/14/86	51 FR 36569
NPRM Comment Period End	11/13/86	51 FR 36569
Final Action	01/06/87	52 FR 417
Final Action Effective	01/06/87	52 FR 417

Small Entity: No

Additional Information: A regulatory impact review was prepared and available in September 1986.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5315

RIN: 0648–AB69

286. FISHERY RESOURCES OF PUERTO RICO AND THE VIRGIN ISLANDS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Legal Deadline: Statutory. 110 days after it is submitted by the fishery management council.

Abstract: Overfishing of finfish and shellfish by a large fleet of small boat artisanal fishermen is a serious problem. A variety of size limits and seasons are being considered applicable to the species that require protection. The benefits are estimated to exceed the costs.

Timetable:

Action	Date	FR Cite
Withdrawn - Action will not be completed by the Council	02/27/87	
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AB71

287. AMENDMENT 7 TO THE PLAN MANAGING THE COMMERCIAL AND RECREATIONAL OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON AND CALIFORNIA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 661

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment (1) provides a formula for annual alteration of the escapement goal for Oregon coastal natural coho salmon based on stock abundance, (2) increases the flexibility of inseason management provisions to be more responsive to changing biological, social and economic conditions during the season and (3) modifies the allocation scheme for coho salmon south of Cape Falcon, Oregon to provide the optimum yield to recreational and commercial fisheries at varying stock abundance levels.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42273
NPRM Comment Period End	01/02/87	51 FR 42273
Final Action	02/10/87	52 FR 4146

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNWR, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AB73

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288. AMENDMENT 1 TO THE REEF FISH FISHERY OF THE GULF OF MEXICO FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 641, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: There is an increasing harvest of snappers and groupers by the longline fishery and some indications of growth overfishing. The recreational fishery continues to harvest many small red snappers. The alternatives are seasons and area closures for the longline fishery and control of recreational fishing for red snapper by area and season. The benefits are estimated to exceed the costs.

Timetable:

Action	Date	FR Cite
Action has been deferred – no action during reporting period	02/27/87	
NPRM	03/03/87	
NPRM Comment Period End	04/17/87	
Final Action	06/23/87	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AB75

289. AMENDMENT 15 TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment will (1) establish new goals for the management of groundfish; (2) establish an administrative framework procedure for setting harvest levels without an FMP amendment; (3) redefine catcher/processor and mothership vessels for purposes of compliance with reporting requirements; (4) establish a time/area closure scheme to protect king crab around Kodiak Island; and (5) provide a basis for regulatory authority for inseason adjustments.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44812
NPRM Comment Period End	01/17/87	51 FR 44812
Final Action	03/13/87	52 FR 7868

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AB76

290. AMENDMENT NO. 2 FOR THE FISHERY MANAGEMENT PLAN FOR THE WASHINGTON, OREGON, AND CALIFORNIA GROUNDFISH FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 663

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment will (1) remove a subarea optimum yield (OY) for sablefish in Monterey Bay; (2) require identification markings on fixed gear; and (3) framework gear provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39766
NPRM Comment Period End	01/09/87	51 FR 39766
Final Action	02/18/87	52 FR 4910

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNWR, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AB77

291. TAKING OF MARINE MAMMALS INCIDENTAL TO ON-ICE SEISMIC ACTIVITIES

Legal Authority: 16 USC 1361 to 1407 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228.11 to 228.14

Legal Deadline: None.

Abstract: Based on a request from the marine geophysical exploration industry, NMFS is issuing regulations that would allow a small number of ringed seals to be taken incidentally as a result of seismic exploration on the ice in the Beaufort Sea from 1987 through 1991. The current regulations expired December 31, 1986. Section 101(a)(5) of the Marine Mammal Protection Act allows the taking of small numbers of marine mammals incidental to specified activities provided that certain findings can be made and regulations are established which set forth permissible methods of taking and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	04/21/86	51 FR 13539
ANPRM Comment Period End	05/21/86	51 FR 13539
NPRM	10/31/86	51 FR 39762
NPRM Comment Period End	12/01/86	51 FR 39762
Final Action	01/12/87	52 FR 1197

Small Entity: No

Additional Information: An environmental assessment was prepared.

Government Levels Affected: Federal

Agency Contact: R. B. Brumsted, Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Cons., Washington, DC 20235, 202 673-5349

RIN: 0648–AB78

DOC—NOAA

Completed Actions

292. AMENDMENT NO. 1 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH/SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 683

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: The rule 1) establishes a monitoring scheme and authority for future management actions in the FCZ, 2) prohibits the use of bottom trawls and bottom set gill nets, 3) prohibits the use of poisons and explosives, 4) establishes a moratorium on fishing for seamount groundfish in the Hancock Seamount, and 5) establishes a permit requirement for vessels fishing in the Northwestern Hawaiian Islands.

Timetable:

Action	Date	FR Cite
NPRM	05/07/86	51 FR 17370
NPRM Comment Period End	06/20/86	51 FR 17370
Final Action	07/31/86	51 FR 27413
Final Action Effective	08/27/86	51 FR 27413

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731, 213 514-6196

RIN: 0648-AB80

293. SECRETARIAL FISHERY MANAGEMENT PLAN FOR THE DRUM FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 653

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: The Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico was prepared by the Secretary of Commerce to provide interim measures to limit the directed harvest of red drum in the fishery conservation zone of the Gulf of Mexico. Operators in the fishery are requested to have permits and report their catches.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36035
NPRM Comment Period End	11/08/86	51 FR 36035
Final Action Effective	12/23/86	51 FR 46675
Final Action	12/24/86	51 FR 46675

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AB82

294. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUNDFISH FISHERIES OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 675

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Amendment to the existing fishery management plan for the groundfish fishery of the Bering Sea and Aleutian Islands area to provide framework measures to regulate bycatch of Tanner crab, king crab, and halibut in the joint venture and domestic trawl fisheries. Amendment 10 also would authorize reallocation within DAH, provide authority to implement conservation emergency closures through rule-related notices, and make minor changes to catcher/processor mothership reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/18/86	51 FR 45349
NPRM Comment Period End	01/22/87	51 FR 45349
Final Action	03/19/87	52 FR 8592
Final Action Effective	04/13/87	

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668 F/AKR, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB84

295. SECRETARIAL AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 650

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This amendment 1) supersedes amendment 1 to the FMP and restores the management measures of the original FMP, 2) establishes a meat count standard of 30 meats per pound, 3) adds a regulatory exemption for experimental fishing beneficial to the scallop resource or fishery, and 4) revises the sampling criteria used to measure compliance with the meat count measure.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40468
NPRM Comment Period End	12/19/86	51 FR 40468
Final Action Effective	12/30/86	52 FR 1462
Final Action	01/14/87	52 FR 1462

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB85

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Telecommunications and Information Administration (NTIA)

296. PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM: REPORT AND ORDER (FINAL RULES), FUNDING PRIORITIES AND POLICY STATEMENT

Legal Authority: 47 USC 390 to 394; 47 USC 397 to 399b

CFR Citation: 15 CFR 2301

Legal Deadline: None.

Abstract: NTIA has administered the Public Telecommunications Facilities Program (PTFP) for two years under an interim revision of rules. These final rules are designed to reduce applicant burdens and simplify applications requirements. Deletions from prior rules include: local public notice and submission of site leases with initial applications. Grant recipients within the past ten years need not submit full eligibility documentation. Equipment inventories need only include the type(s) of equipment requested. NTIA seeks information on applicants' non-Federal financial support and capital replacement policies, and encourages applicants with the ability to increase their share of project costs. NTIA states its policy to prefer applicants requesting 50% or less PTFP funding for broadcast equipment replacements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/18/84	49 FR 36600
NPRM	12/04/86	51 FR 43804
NPRM Comment Period End	01/05/87	
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Burnham S. Morse, Telecommunications Policy Analyst, Department of Commerce, National Telecommunications and Information Administration, 14th & Constitution Avenue NW, Room H4890, Washington, DC 20230, 202 377-1835

RIN: 0660-AA01

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of Productivity, Technology and Innovation (OPTI)

297. ● LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None.

Abstract: This action will revise 37 CFR 404 to simplify the process by which US industry can obtain license to patented inventions owned by the Government. P.L. 99-502 is expected to increase industry interest in licensing inventions from Federal laboratories. The existing regulation was written by GSA on the basis of 1980 legislation. It may be possible to remove some of the difficulties that potential licensees must overcome.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/30/87	
Final Action	02/29/88	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: Norman J. Latker, Director, Federal Technology Management, Policy Division, Department of Commerce, Office of Productivity, Technology and Innovation, Room H4837, Washington, DC 20230, 202 377-0659

RIN: 0692-AA04

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

Office of Productivity, Technology and Innovation (OPTI)

298. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Legal Deadline: None.

Abstract: 35 USC 206 as amended by PL 98-620, requires the Secretary to issue regulations implementing 35 USC 202-204 which deals with the rights in inventions to be provided to nonprofit organizations and small businesses that perform Government supported research and development. Previously this was the responsibility of OFPP which issued OMB Cir. A-124. The regulation is based on Cir. A-124 with such substantive changes as are necessary because of various amendments made by PL 98-620. No alternative is available since a major thrust of the statute was the development of a single regulation to replace the numerous regulations that were in effect prior to 1981. The statute and regulations will benefit contractors and the public by creating the certainty necessary for the early commercialization of inventions by the private sector. Compared to the pre-1981 situation this reduces administrative costs of both the Government and contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13524
Interim Final Rule	07/14/86	51 FR 25508
Final Action	03/31/87	
Final Action Effective	03/31/87	

Small Entity: Yes

Agency Contact: Norman Latker, Director, Federal Technology Management of Policy Division, Department of Commerce, Office of Productivity, Technology and Innovation, Room H 4837, Washington, DC 20230, 202 377-0659

RIN: 0692-AA01

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Prerule Stage

299. TERM OF DEPOSIT OF MICROORGANISM

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.71

Legal Deadline: None.

Abstract: PTO will propose amendment of its rules of practice in patent cases to set the duration of a microorganism deposit for patent purposes in accordance with the Budapest Treaty.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
ANPRM Comment Period End	06/00/87	
NPRM	10/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Charles E. Van Horn, Director, Examining Group 120, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3637

RIN: 0651-AA13

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

300. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Legal Deadline: None.

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, 703 557-4035

RIN: 0651-AA04

301. VARIETY NAMING REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None.

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33062
NPRM Comment Period End	10/31/85	
Notice	12/27/85	50 FR 52963
NPRM	06/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley D. Schlosser, Legislative and International Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3065

RIN: 0651-AA12

302. TRADEMARK APPLICATIONS

Significance: Regulatory Program

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Legal Deadline: None.

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed by foreign applicants pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decision of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984). Since this decision has been appealed, any regulatory action will have to await the outcome of the judicial review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3268

RIN: 0651-AA23

DOC—PTO — Proposed Rule Stage

303. MISCELLANEOUS AMENDMENTS OF PATENT RULES

Legal Authority: 35 USC 6; 35 USC 135

CFR Citation: 37 CFR 1.14; 37 CFR 1.131; 37 CFR 1.194; 37 CFR 1.612; 37 CFR 1.637; 37 CFR 1.658; 37 CFR 5.3

Legal Deadline: None.

Abstract: PTO plans to amend its rules of practice to clarify the procedure in patent interference cases.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Saul I. Serota, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4072

RIN: 0651-AA25

304. UNITY OF INVENTION AND PATENT COOPERATION TREATY, CHAPTER II

Significance: Agency Priority

Legal Authority: 35 USC 6; PL 99-616

CFR Citation: 37 CFR 1.8; 37 CFR 1.61; 37 CFR 1.70; 37 CFR 1.101; 37 CFR 1.141; 37 CFR 1.401; 37 CFR 1.414; 37 CFR 1.416; 37 CFR 1.431; 37 CFR 1.432; 37 CFR 1.445; 37 CFR 1.475; 37 CFR 1.480; 37 CFR 1.481; 37 CFR 1.482; ...

Legal Deadline: Statutory. Three months after withdrawal of our reservation as to Chapter II of PCT.

Abstract: Public Law 99-616, enacted November 6, 1986, authorizes the U.S. Patent and Trademark Office to act as an International Preliminary Examining Authority and as an elected Office for international applicants under Chapter II of the Patent Cooperation Treaty. Chapter II provides for an International Preliminary Examination Report to be established and allows at least 30 months from the priority date for entry into the national phase. Regulations must be established to implement requirements and time periods for entry into the national phase and set fees to cover processing costs, including the cost covered by 35 USC 376 of searching and examining international applications with claims to different categories of invention in a single international application.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Louis O. Maassel, Editor, Manual of Patent Examining Procedure, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3070

RIN: 0651-AA26

305. DUTY OF DISCLOSURE - INFORMATION DISCLOSURE STATEMENT

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None.

Abstract: 37 CFR 1.56 and 1.97- .99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651-AA27

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

306. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Legal Deadline: None.

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Bradford R. Huther, Asst. Commissioner for Finance & Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-1572

RIN: 0651-AA18

307. ARBITRATION OF PATENT INTERFERENCE CASES

Legal Authority: 35 USC 6; PL 98-622

CFR Citation: 37 CFR 1.690

Legal Deadline: None.

Abstract: An amendment of PTO's rules of practice relating to patent interferences will be proposed to implement the provision in Public Law 98-622 for arbitration of patent interference cases.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/85	50 FR 02294
ANPRM Comment Period End	03/01/85	50 FR 02294
NPRM	09/15/86	51 FR 32756
NPRM Comment Period End	11/14/86	
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Michael Sofocleous, Examiner-In-Chief, BD of Pat. Appeals and Interferences, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4000

RIN: 0651-AA20

308. RULES FOR EXTENSION OF PATENT TERM

Significance: Regulatory Program

Legal Authority: 35 USC 6; PL 98-417

CFR Citation: 37 CFR 1.1; 37 CFR 1.8; 37 CFR 1.20; 37 CFR 1.710 to 1.785

Legal Deadline: None.

Abstract: PTO plans to propose changes in its rules of practice in patent cases to specify procedures and fees for extending the terms of patents pursuant to the provisions of Public Law 98-417 for the restoration of up to 5 years of the loss in a patent term due to regulatory delays.

Timetable:

Action	Date	FR Cite
NPRM	07/30/86	51 FR 27205
NPRM Comment Period End	09/10/86	51 FR 27205
Final Action	07/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Charles E. Van Horn, Director, Examining Group 120, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3637

RIN: 0651-AA22

DEPARTMENT OF COMMERCE (DOC)

Patent and Trademark Office (PTO)

Completed Actions

309. MISCELLANEOUS AMENDMENTS OF TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.1; 37 CFR 2.101(b); 37 CFR 2.104; 37 CFR 2.112(a); 37 CFR 2.114(c); 37 CFR 2.132(c); 37 CFR 2.145(d)

Legal Deadline: None.

Abstract: PTO proposes amendment of the trademark rules to improve or clarify inter partes and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/11/84	49 FR 24033
NPRM Comment Period End	07/18/84	49 FR 24033
Final Action	08/11/86	51 FR 28707
Final Action Effective	09/10/86	51 FR 28707

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Crystal Square 5, Suite 1008, Washington, DC 20231, 703 557-3551

RIN: 0651-AA16

310. TRADEMARK APPLICATIONS

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.21; 37 CFR 2.52; 37 CFR 2.54; 37 CFR 2.58

Legal Deadline: None.

Abstract: PTO proposes amendment of its trademark rules to codify and improve procedures for processing trademark applications.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30749
NPRM Comment Period End	10/30/84	
Final Action	08/21/86	51 FR 29920
Final Action Effective	09/22/86	51 FR 29920

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Ellen J. Seeherman, Staff Assistant, Department of Commerce, Patent and Trademark Office, Crystal Plaza 3, Room 11C17, Washington, DC 20231, 703 557-7464

RIN: 0651-AA17

311. UNITY OF INVENTION - INTERNATIONAL APPLICATIONS

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 376

CFR Citation: 37 CFR 1.445; 37 CFR 1.481

Legal Deadline: None.

Abstract: The Patent and Trademark Office is combining this planned amendment of its rules of practice in patent cases with the planned provisions for implementing Chapter II of the Patent Cooperation Treaty (RIN 0651-AA26). The combination (under RIN 0651-AA26) will include with the

implementing provisions, the adjustment in the level of certain processing fees for international applications specified in RIN 0651-AA28.

Timetable:

Action	Date	FR Cite
Combined with RIN 0651-AA26	02/27/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Louis O. Maassel, Editor, Manual of Patent Examining Procedure, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651-AA28

[FR Doc. 87-6602 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and therefore are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in October 1987. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Anne M. Jeffery, telephone 202-746-0664 or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 202-697-2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act; and

c. GATT International Trade Agreement.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain three sections: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

D. O. Cooke,

Deputy Assistant Secretary of Defense (Administration).

AGENCY: Office of the Secretary, DoD.

ACTION: This agenda updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulatory material listed below is in 3 parts: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: The Agency contact names and telephone numbers appear after each agenda entry. For other information on the agenda, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION:

E.O. 12291: None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Action, section 610: The Office of the Secretary of Defense has screened its existing regulatory documents and has concluded that none of its regulatory documents cause significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96-511: None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96-511.

GATT Agreement: None of the DoD regulatory documents listed in this agenda impact upon foreign trade under the GATT Agreement.

The OSD agenda follows.

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
312	Presentation of DoD-Sponsored Scientific and Technical Papers at Meetings (DoD Instruction 5230.XX)	0790-AA59
313	DoD Freedom of Information Act Program (DoD Directive 5400.7 and DoD 5400.7-R)	0790-AA65
314	Procedures Governing Credit Unions on DoD Installations (DoD Instruction 1000.10)	0790-AA66
315	Procedures Governing Banking Offices on DoD Installations (DoD Instruction 1000.12)	0790-AA67
316	Coordination of Benefits (DoD Instruction 6010.XX)	0790-AA68
317	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of Pub. L. 93-112, the Rehabilitation Act of 1973 (DoD 6010.8-R)	0790-AA71
318	Commercial Activities Program; Procedures (DOD Instruction 4100.33)	0790-AA73
319	Reporting Procedures on Defense Related Employment (DoD Directive 7700.15)	0790-AA74
320	Personal Commercial Solicitation on DoD Installations (DoD Directive 1344.7)	0790-AA76
321	Standards of Conduct (DoD Directive 5500.7)	0790-AA78

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
322	Organization, Functions, and Authority Delegations; Defense Logistics Agency (DoD Directive 5105.22)	0790-AA62
323	Defense Advanced Research Projects Agency (DoD Directive 5105.41)	0790-AA63
324	Availability of DoD Directives, DoD Instructions, DoD Publications, and Changes	0790-AA64
325	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Heart Transplantation (DoD 6010.8-R, Amendment 3)	0790-AA69
326	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Adjunctive Dental Benefit (DoD 6010.8-R, Amendment 2)	0790-AA70
327	DoD Medical Program Review Committee (MPRC)(DoD Directive 6035.2)	0790-AA72
328	Mobilization of the Ready Reserve (DoD Directive 1235.10)	0790-AA75
329	Training Simulators and Devices (DoD Directive 1430.13)	0790-AA77

Department of the Army—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
330	The Army General Counsel's Honors Programs	0702-AA00
331	Airfield Certification and Use of Army Airfields by Other than US Department of Defense Aircraft	0702-AA02

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
332	Controlling Access to Main Cantonment Area, Fort Lewis Military Reservation, Washington and Prohibiting Certain Forms of Conduct Upon Fort Lewis Military Reservation	0702-AA15
333	Regulations Affecting Military Reservations; Firearms and Weapons	0702-AA16

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
334	Army National Cemeteries	0702-AA07

DOD

U.S. Army Corps of Engineers—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
335	Corps of Engineers Management of Army and Air Force Real Property	0710-AA14

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
336	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D–Endangered Species Counterpart Regulations	0710-AA17
337	Regulatory Program of the Corps of Engineers, Nationwide Permits	0710-AA20

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
338	Environmental Quality, Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA11
339	Regulatory Programs of the Corps of Engineers Part 325, App. C, Historic Properties	0710-AA12

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
340	Consolidated Regulatory Program of the Corps of Engineers	0710-AA04
341	Regulatory Program of the Corps of Engineers, Part 326 - Enforcement	0710-AA15

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
342	Delivery of Personnel; Service of Process and Subpoena; Production of Official Records	0703-AA14

Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
343	Availability of Records and Publication of Department of the Navy Documents Affecting the Public	0703-AA17
344	Revision of Definition of Entry Level Separation	0703-AA18
345	Unofficial Use of the Seal, Emblem, Names, or Initials of the Marine Corps	0703-AA19

DOD

Department of the Air Force—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
346	Foreign Tax Relief Program (AFR 110-18)	0701-AA12
347	Air Force Supplement to the Federal Acquisition Regulation (FAR)	0701-AA14
348	Delivery of Air Force Personnel to U.S. Civilian Authorities for Trial (AFR 111-11)	0701-AA20
349	Environmental Impact Analysis Process (ANGR 19-02)	0701-AA22

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
350	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
351	Claims and Tort Litigation (AFR 112-1)	0701-AA19
352	Issuing Certificates in Lieu of Lost or Destroyed Certificates of Separation (AFR 35-96)	0701-AA21
353	Personal Financial Responsibility (AFR 35-18)	0701-AA23
354	Personal Commercial Affairs (AFR 211-16)	0701-AA24

Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
355	Aircraft Arresting Systems (AFR 55-42)	0701-AA17

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
356	Use of USAF Installations by Other than U.S. DoD Aircraft (AFR 55-20)	0701-AA02

DEPARTMENT OF DEFENSE (DOD)

Final Rule Stage

Office of the Secretary (OS)

312. PRESENTATION OF DOD-SPONSORED SCIENTIFIC AND TECHNICAL PAPERS AT MEETINGS (DOD INSTRUCTION 5230.XX)

Legal Authority: PL 98-94; 10 USC 140c

CFR Citation: 32 CFR 249

Legal Deadline: None.

Abstract: This part provides policy and procedural guidance for considering national security in the dissemination of DoD-sponsored scientific and technical information at meetings, whether such meetings are conducted by the U.S. Government or private organizations.

Timetable:

Action	Date	FR Cite
NPRM	02/12/86	51 FR 5210
NPRM Comment Period End	03/14/86	51 FR 5210
Final Action	12/00/87	

Small Entity: No

Agency Contact: F. Sobieszcyk, Department of Defense, Office of the Secretary, 202 694-0205

RIN: 0790-AA59

313. ● DOD FREEDOM OF INFORMATION ACT PROGRAM (DOD DIRECTIVE 5400.7 AND DOD 5400.7-R)

Legal Authority: PL 99-661; 5 USC 552

CFR Citation: 32 CFR 286

Legal Deadline: None.

Abstract: This proposed rule is published pursuant to the requirements imposed by section 954 of the National Defense Authorization Act for fiscal year 87 and PL 99-661. It provides the criteria for the collection of fees and fee rates for such technical data.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 802
NPRM Comment Period End	02/09/87	52 FR 802
Final Action	00/00/00	

Small Entity: No

Agency Contact: C. Talbott, Department of Defense, Office of the Secretary, 202 697-1180

RIN: 0790-AA65

314. ● PROCEDURES GOVERNING CREDIT UNIONS ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.10)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 231a

Legal Deadline: None.

Abstract: This amendment proposes to modify procedures for lease of land to credit unions that construct buildings on DoD installations. This proposed amendment permits DoD Components to negotiate for (1) extension of leases prior to expiration and (2) credit union payment of rent, maintenance, utilities and services once title to leasehold improvements passes to the Government.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40828
NPRM Comment Period End	12/10/86	51 FR 40828
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790-AA66

315. ● PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.12)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 230

Legal Deadline: None.

Abstract: This proposed change in leasing policies for buildings constructed onbase by banking offices results from a Model Installation Waiver Request and is consistent with similar provisions for credit unions now being circulated for comment. If adopted, the change would permit banks to retain title to buildings constructed at their expense beyond the current 25-year limit.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 90
NPRM Comment Period End	02/02/87	52 FR 90
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790-AA67

316. ● COORDINATION OF BENEFITS (DOD INSTRUCTION 6010.XX)

Legal Authority: PL 99-272; 10 USC Chapter 55

CFR Citation: 32 CFR 220

Legal Deadline: None.

Abstract: This part is to comply with PL 99-272. It also informs the public that the Department of Defense shall collect from third-part payers the reasonable inpatient hospital care costs incurred on behalf of retirees and dependents.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36023
NPRM Comment Period End	11/07/86	51 FR 36023
Final Action	00/00/00	

Small Entity: No

Agency Contact: J. Maddy, Department of Defense, Office of the Secretary, 202 694-3242

RIN: 0790-AA68

317. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF SECTION 504 OF PUB. L. 93-112, THE REHABILITATION ACT OF 1973 (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301; 29 USC 794

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: The purpose of this rule is to revise the DoD Regulation 6010.8-R [32 CFR Part 199] to meet the intent of section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39757
NPRM Comment Period End	12/01/86	51 FR 39757
Final Action	00/00/00	

Small Entity: No

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, 303 361-3587

RIN: 0790-AA71

318. ● COMMERCIAL ACTIVITIES PROGRAM; PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169; 32 CFR 169a; 32 CFR 171

Legal Deadline: None.

Abstract: This instruction establishes DoD policies to implement OMB Circular No. A-76, which are currently included in 32 CFR Part 169. It establishes procedures and criteria for use by the Department of Defense to determine whether DoD commercial activities should be performed by DoD

DOD—OS **Final Rule Stage**

personnel in-house or by contract with commercial sources. 32 CFR Part 169, "Commercial Activities Program" and 32 CFR Part 169a, "Commercial Activities Program Procedures" are proposed to be removed in their entirety.

Timetable:

Action	Date	FR Cite
NPRM	12/03/86	51 FR 43619
NPRM Comment Period End	01/02/87	51 FR 43620
Final Action	00/00/00	

Small Entity: No

Agency Contact: D. Hansen, Department of Defense, Office of the Secretary, 202 325-0537

RIN: 0790-AA73

319. ● REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT (DOD DIRECTIVE 7700.15)

Legal Authority: 50 USC 1436

CFR Citation: 32 CFR 166

Legal Deadline: None.

Abstract: This part is designed to establish criteria and procedures for reports required of certain former and retired military officers, former civilian officers and employees of the Department of Defense presently employed by defense contractors presently employed by the Department of Defense. It is formulated to implement 10 U.S.C. 2397.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40820
NPRM Comment Period End	12/10/86	51 FR 40820
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. DuFresne, Department of Defense, Office of the Secretary, 202 695-3272

RIN: 0790-AA74

320. ● PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS (DOD DIRECTIVE 1344.7)

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 43

Legal Deadline: None.

Abstract: This proposed change would apply to the provisions reflected in Part 43 to Defense Agencies, since certain agencies are located on DoD installations and fall under the term "DoD Installation" as defined in Part 43. It would allow an exception to the prohibition on advertising addresses or telephone numbers of commercial sales activities for members of military families authorized to conduct such activities in family housing.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35535
NPRM Comment Period End	11/05/86	51 FR 35535
Final Action	00/00/00	

Small Entity: No

Agency Contact: B. Schoenberger, Department of Defense, Office of the Secretary, 202 697-9525

RIN: 0790-AA76

321. ● STANDARDS OF CONDUCT (DOD DIRECTIVE 5500.7)

Legal Authority: PL 87-651; 5 USC 301

CFR Citation: 32 CFR 40

Legal Deadline: None.

Abstract: This part is designed to prescribe standards of conduct required of all DoD personnel, regardless of assignment. It is being formulated to reflect statutory and regulatory changes. This action will provide updated guidelines of DoD personnel to observe when making decisions or taking action.

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	51 FR 31651
NPRM Comment Period End	11/03/86	51 FR 31651
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. DuFresne, Department of Defense, Office of the Secretary, 202 695-3272

RIN: 0790-AA78

DEPARTMENT OF DEFENSE (DOD) — Completed Actions

Office of the Secretary (OS)

322. ● ORGANIZATION, FUNCTIONS, AND AUTHORITY DELEGATIONS; DEFENSE LOGISTICS AGENCY (DOD DIRECTIVE 5105.22)

Legal Authority: 10 USC Chapter 4

CFR Citation: 32 CFR 359

Legal Deadline: None.

Abstract: This part has been updated to reflect current reporting relationships, consolidate the statement of functions, and conform to current editorial format.

Timetable:

Action	Date	FR Cite
Final Action Effective	08/15/86	51 FR 32309
Final Action	09/11/86	51 FR 32309

Small Entity: No

Agency Contact: H. Becker, Department of Defense, Office of the Secretary, 202 697-0709

RIN: 0790-AA62

323. ● DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (DOD DIRECTIVE 5105.41)

Legal Authority: 10 USC Chapter 4

CFR Citation: 32 CFR 358

Legal Deadline: None.

Abstract: This part has been updated to add responsibility for the conduct of prototype projects, delegate contracting authority, and reflect current reporting relationships. In addition, changes have been made to update references and to conform to current editorial format.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/86	51 FR 37571
Final Action	10/23/86	51 FR 37571

Small Entity: No

Agency Contact: H. Becker, Department of Defense, Office of the Secretary, 202 697-0709

RIN: 0790-AA63

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324. ● AVAILABILITY OF DOD DIRECTIVES, DOD INSTRUCTIONS, DOD PUBLICATIONS, AND CHANGES

Legal Authority: 10 USC 133; 31 USC 483a

CFR Citation: 32 CFR 289

Legal Deadline: None.

Abstract: This rule updates DoD procedures and covers revisions on the availability of DoD Directives, DoD Instructions, DoD Publications, and Changes to the public and U.S. Government Agencies other than the Department of Defense. It also identifies the increase in subscription cost.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/86	51 FR 41962
Final Action	11/20/86	51 FR 41962

Small Entity: No

Agency Contact: L. Lawson, Department of Defense, Office of the Secretary, 202 697-4111

RIN: 0790-AA64

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325. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HEART TRANSPLANTATION (DOD 6010.8-R, AMENDMENT 3)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: This amendment provides for coverage by the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) of the costs of heart transplantation. The amendment is necessary to state the conditions under which heart transplantation will be cost-shared by CHAMPUS.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/86	51 FR 44601
Final Action	12/11/86	51 FR 44601

Small Entity: No

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, 303 361-3567

RIN: 0790-AA69

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326. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ADJUNCTIVE DENTAL BENEFIT (DOD 6010.8-R, AMENDMENT 2)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: This final rule will revise DoD 6010.8-R [32 CFR Part 199) which implements the Civilian Health and Medical Program of the Uniformed Services. The rule will allow for payment of dental care when performed in preparation for medical treatment of a disease or disorder or required as the result of iatrogenic dental trauma or complications caused by medically necessary treatment of an injury or a disease.

Timetable:

Action	Date	FR Cite
Final Action	10/08/86	51 FR 36008
Final Action Effective	10/08/86	51 FR 36008

Small Entity: No

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, 303 361-3567

RIN: 0790-AA70

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327. ● DOD MEDICAL PROGRAM REVIEW COMMITTEE (MPRC)(DOD DIRECTIVE 6035.2)

Legal Authority: 5 USC 301; 10 USC 113

CFR Citation: 32 CFR 198

Legal Deadline: None.

Abstract: This part is the charter for the DoD Medical Program Review Committee (MPRC). The MPRC is being established as directed by the Secretary of Defense memorandum, dated June 20, 1986. It outlines the purpose, organization, and responsibilities of the MPRC.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/15/86	51 FR 41784
Final Action	11/19/86	51 FR 41784

Small Entity: No

Agency Contact: E. Reynolds, Department of Defense, Office of the Secretary, 202 694-3242

RIN: 0790-AA72

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328. ● MOBILIZATION OF THE READY RESERVE (DOD DIRECTIVE 1235.10)

Legal Authority: 10 USC 280

CFR Citation: 32 CFR 76

Legal Deadline: None.

Abstract: This revision spells out more clearly and in detail DoD policy on manning, equipping and training the Ready Reserve in preparation of mobilization. It stipulates screening requirements to ensure that Ready Reserve members can mobilize without delay when ordered and includes provisions for the Services to annually screen the Individual Ready Reserve (IRR).

Timetable:

Action	Date	FR Cite
Final Action Effective	10/24/86	51 FR 44462
Final Action	12/06/86	51 FR 44462

Small Entity: No

Agency Contact: E. Kufeldt, Department of Defense, Office of the Secretary, 202 697-0626

RIN: 0790-AA75

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329. ● TRAINING SIMULATORS AND DEVICES (DOD DIRECTIVE 1430.13)

Legal Authority: 5 USC 301; 10 USC 133

CFR Citation: 32 CFR 73

Legal Deadline: None.

Abstract: This part establishes training simulator and device development, acquisition, and utilization policy; provides guidance for establishing Service policy for training simulators and devices; and, authorizes the Department of Defense to use training simulators and devices to make training systems more effective and to help maintain military readiness. The part

emphasizes the concepts of training simulators and devices as part of a total training system and concurrency of those training simulators and devices with the system supported.

Timetable:

Action	Date	FR Cite
Final Action Effective	08/22/86	51 FR 35512
Final Action	10/06/86	51 FR 35512

Small Entity: No

Agency Contact: R. Croach, Department of Defense, Office of the Secretary, 202 695-0975

RIN: 0790-AA77

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

AGENCY: Department of the Army, DoD.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army which updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.); has priority status; or is a major rule under E.O. 12291. The regulation Airfield Certification and Use of Army Airfield by other than US Department of Defense Aircraft contains OMB approved reporting requirements as specified under "The Paperwork Reduction Act." None of the regulations come under GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, please contact the specific individual. For general information, please contact Mr. John O. Roach, telephone 202-325-6040 or write HQDA, DAIM-APG, Room 1132, Hoffman I, Alexandria, VA 22331-0301.

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Prerule Stage

330. THE ARMY GENERAL COUNSEL'S HONORS PROGRAMS

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None.

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed. The document explains the methods of application and the requirements and procedures for the appointment to that office.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, 202 695-0562

RIN: 0702-AA00

331. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN US DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Prescribes responsibilities and procedures with regard to use of US Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
End Review	06/00/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Robert C. Cole, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, 703 272-7796

RIN: 0702-AA02

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Final Rule Stage

332. ● CONTROLLING ACCESS TO MAIN CANTONMENT AREA, FORT LEWIS MILITARY RESERVATION, WASHINGTON AND PROHIBITING CERTAIN FORMS OF CONDUCT UPON FORT LEWIS MILITARY RESERVATION

Legal Authority: 10 USC 3012; 18 USC 1832; 50 USC 797

CFR Citation: 32 CFR 552

Legal Deadline: None.

Abstract: Fort Lewis has been declared a closed post and it is intended that these regulations will give notice to members of the public of the rules governing entry to the Main Cantonment Area of the Fort Lewis Military Reservation, Fort Lewis, Washington, and certain conduct prohibited upon Fort Lewis Military Reservation.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: Not Applicable

Agency Contact: Capt. John McDaniel, Principal Attorney, Department of Defense, Department of the Army, Office of the Staff Judge Advocate, I Corps and Fort Lewis, ATT: AFZH-JAA, Ft. Lewis, WA 98433, 206 967-6153

RIN: 0702-AA15

333. ● REGULATIONS AFFECTING MILITARY RESERVATIONS; FIREARMS AND WEAPONS

Legal Authority: 10 USC 3012; 15 USC 1601; 18 USC 1382; 31 USC 72; 40 USC 258a; 41 USC 14; 50 USC 797

CFR Citation: 32 CFR 552

Legal Deadline: None.

Abstract: This regulation establishes the criteria for possessing, carrying, concealing, and transporting firearms and/or other deadly or dangerous weapons on the Fort Stewart/Hunter Army Airfield installation. This regulation provides guidance on prohibited items and the requirements for possessing, use, and storage under certain conditions for anyone (military or civilian) employed on visiting, or traveling through on the above installation.

Timetable:

Action	Date	FR Cite
NPRM	12/16/86	51 FR 4497
NPRM Comment Period End	02/16/87	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: Cpt Richard Luebke, Principal Attorney, Department of Defense, Department of the Army, Commander, 24th Infantry Div (Mech) & Ft. Stewart, ATT: AFZP-JAA, Ft. Stewart, GA 31314, 912 767-2953

RIN: 0702-AA16

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Completed Actions

334. ARMY NATIONAL CEMETERIES

Legal Authority: 24 USC Chapter 7

CFR Citation: 32 CFR 553

Legal Deadline: None.

Abstract: To publish revised guidelines and administration of Arlington National Cemetery and the Soldiers Home National Cemetery.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	12/10/85	50 FR 50315
End Review	01/00/86	
Final Action	05/30/86	51 FR 19706
Final Action Effective	05/30/86	51 FR 19706

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Harriet Antiporowich, Department of Defense, Department of the Army, US Army Military District of Washington, Washington, DC 22211-5003, 202 695-3191

RIN: 0702-AA07

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Prerule Stage

335. CORPS OF ENGINEERS MANAGEMENT OF ARMY AND AIR FORCE REAL PROPERTY

Legal Authority: 5 USC 301; 10 USC 3012

CFR Citation: 32 CFR 644

Legal Deadline: None.

Abstract: Chapter 8 of ER 405-1-12 is mainly comprised of instructions and guidance relating to internal agency procedures for managing and administering real property and interests in real property controlled by the Army and Air Force. Accordingly, it was determined that the entire chapter does not require publication in the Federal Register. Excerpts of applicable parts will be proposed for publication by December 1986.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Mr. Terrence Wilmer, Chief, Programs Division, Department of Defense, U.S. Army Corps of Engineers, ATTN: DAEN-REP, Washington, DC 20314-1000, 202 272-0522

RIN: 0710-AA14

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

336. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D--ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix D

Legal Deadline: None.

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and state resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Bernard N. Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0199

RIN: 0710-AA17

337. ● REGULATORY PROGRAM OF THE CORPS OF ENGINEERS, NATIONWIDE PERMITS

Legal Authority: 33 USC 403; 33 USC 1344

CFR Citation: 33 CFR 330

Legal Deadline: None.

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
Final Action	08/30/87	

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Agency Contact: John Studt, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, DAEN-CWO-N, 202 272-0199

RIN: 0710-AA20

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

338. ENVIRONMENTAL QUALITY, PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Significance: Regulatory Program

Legal Authority: 42 USC 4321

CFR Citation: 33 CFR 230

Legal Deadline: None.

Abstract: Revisions will streamline Corps NEPA procedures consistent with improved management techniques and reduce unnecessary regulatory burdens on applicants who seek Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1387
Final Action	06/30/87	

Small Entity: No

Additional Information: Additional agency contact: Ms. Janet O'Neill (202) 272-0201

Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Mr. Richard L. Makinen, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWR-E, 202 272-0166

RIN: 0710-AA11

339. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS PART 325, APP. C, HISTORIC PROPERTIES

Legal Authority: 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Legal Deadline: None.

Abstract: Procedure for protection of historic properties and compliance with Sections 106 and 110(f) of the National Historic Preservation Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
NPRM Comment Period End	06/04/84	49 FR 19036
Final Action	06/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Bernard N. Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA12

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Completed Actions

340. CONSOLIDATED REGULATORY PROGRAM OF THE CORPS OF ENGINEERS

Significance: Regulatory Program

Legal Authority: 33 USC 403; 33 USC 1413; 33 USC 1344

CFR Citation: 33 CFR 320 to 330

Legal Deadline: None.

Abstract: Program policies and procedures for the conduct of the Regulatory Program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/82	47 FR 31794
Amendments proposed NPRM	05/12/83	48 FR 21466
NPRM Lawsuit Settlement Revisions (33 CFR 320, 323, 325, 330)	03/29/84	49 FR 12260
Publish Final Lawsuit Rules	10/05/84	49 FR 39478
Final Action	11/13/86	51 FR 41206
Final Action Effective	01/12/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, businesses and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Affected Sectors: None

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA04

341. REGULATORY PROGRAM OF THE CORPS OF ENGINEERS, PART 326 - ENFORCEMENT

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 326

Legal Deadline: None.

Abstract: The Corps of Engineers is proposing to amend 33 CFR Part 326 to reflect the sequence of enforcement actions, to clarify ambiguous procedures and language, and to provide district engineers with the flexibility needed to resolve violations in the most effective manner and to be able to concentrate existing staff resources on the most critical enforcement actions. Some procedures in this part would be revised to provide for a more practical approach to certain enforcement problems. These regulations, if finalized would reduce the costs of enforcing the regulatory program.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	03/30/86	
Final Action	11/13/86	51 FR 9691
Final Action Effective	01/12/87	

Small Entity: No

Additional Information: The proposed revision to 33 CFR 326 was combined with the item entitled "Regulatory Programs of the Corps of Engineers Consolidated", which was published as a final rule in the Federal Register on November 13, 1986 with an effective date of January 12, 1987.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local

Agency Contact: Bernard N. Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0199

RIN: 0710-AA15

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

AGENCY: Department of the Navy, DoD.

ACTION: This agenda updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), has priority status, is a major rule under E.O. 12291, or contains reporting requirements under the "Paperwork Act." Further, none of the regulations comes under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Alcinda P. Wenberg, telephone 202-695-0792 or write to Department of the Navy, Chief of Naval Operations, OP-945C, Washington, DC 20350-2000.

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Final Rule Stage

342. DELIVERY OF PERSONNEL; SERVICE OF PROCESS AND SUBPOENA; PRODUCTION OF OFFICIAL RECORDS

Legal Authority: 5 USC 301; 10 USC 5031; 10 USC 5148; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 720

Legal Deadline: None.

Abstract: To revise and clarify rules on litigation.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: CDR William Henderson, Department of Defense, Department of the Navy, Judge Advocate General, 200 Stovall St., Alexandria, VA 22332, 202 325-9870

RIN: 0703-AA14

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Completed Actions

343. ● AVAILABILITY OF RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

Legal Authority: 5 USC 552, (As amended by PL 93-502); 32 CFR Part 286; 32 CFR Part 196 Subpart E

CFR Citation: 32 CFR 701, (Amended)

Legal Deadline: None.

Abstract: To provide addresses for requests for Department of the Navy records and locations where Department of the Navy records are available for public inspection.

Timetable:

Action	Date	FR Cite
Final Action	11/26/86	51 FR 42836

Small Entity: No

Agency Contact: Mrs. G. R. Aitken, Department of Defense, Department of the Navy, Chief of Naval Operations (OP-09B30), Washington, DC 20350-2000, 202 694-2817

RIN: 0703-AA17

344. ● REVISION OF DEFINITION OF ENTRY LEVEL SEPARATION

Legal Authority: 5 USC 301; 10 USC 1553

CFR Citation: 32 CFR 724, (Amendment)

Legal Deadline: None.

Abstract: This amendment revises the definition of Entry Level Separation.

Timetable:

Action	Date	FR Cite
Final Action	12/15/86	51 FR 44908

Small Entity: No

Agency Contact: Capt. L. E. Hilder, Department of Defense, Department of the Navy, Naval Council of Personnel Boards, Arlington, VA 22203-1989, 202 696-4881

RIN: 0703-AA18

345. ● UNOFFICIAL USE OF THE SEAL, EMBLEM, NAMES, OR INITIALS OF THE MARINE CORPS

Legal Authority: 70A Stat 278, Sec 5031; 70A Stat 278, Sec 6011; 76 Stat 517, Sec 133; 80 Stat 379, Sec 301; 5 USC 301; 10 USC 133; 10 USC 5031; 10 USC 6011; 10 USC 7881

CFR Citation: 32 CFR 765, Amendment thereto

Legal Deadline: None.

Abstract: This rule sets forth regulations pertaining to the unofficial use of the seal, emblem, names, or initials of the Marine Corps for commercial and noncommercial activities.

Timetable:

Action	Date	FR Cite
Final Action	12/19/86	51 FR 45467

Small Entity: No

Agency Contact: Mrs. B. L. Thompson, Department of Defense, Department of the Navy, Headquarters, US Marine Corps (MPI-60), Washington, DC 20380-0001, 202 694-1492

RIN: 0703-AA19

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

AGENCY: Department of the Air Force, DoD.

ACTION: This agenda updates the report published on October 27, 1986, and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to these rules. These rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) with the exception of 32 CFR Part 855 (OMB Control Number 0701-0050). These rules do not have an impact on international trade and therefore the provisions of the GATT Agreement do not apply.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For

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general information, contact Ms. Patsy J. Conner, telephone (202) 697-1861 or write, Department of the Air Force, USAF/DASJR(S), Pentagon, Washington, DC 20330-5025.

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Prerule Stage

346. FOREIGN TAX RELIEF PROGRAM (AFR 110-18)

Legal Authority: DODD 5100.64, dtd 12 Aug 70; 32 CFR 211

CFR Citation: 32 CFR 848

Legal Deadline: None.

Abstract: Implements DOD foreign taxation on DOD expenditures in foreign countries.

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Mr. Carroll, Department of Defense, Department of the Air Force, HQ USAF/JACI, 202 695-9631

RIN: 0701-AA12

347. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR (New)

Legal Deadline: None.

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
48 CFR 5316, AF FARS; Types of Contracts	09/09/86	51 FR 32114
48 CFR 5315, AF FARS; Contracting by Negotiation	10/22/86	51 FR 37451
48 CFR Ch 53, AFLC FARS; Surplus Material Acquisition	10/30/86	51 FR 39676
48 CFR 5350, AF FARS; Extraordinary Contractual Actions	11/12/86	51 FR 40977
End Review	12/00/87	

Small Entity: No

Agency Contact: Col. Halberstadt, Special Assistant for FAR, Department of Defense, Department of the Air Force, HQ USAF/RDC-FAR, 202 695-3858

RIN: 0701-AA14

348. DELIVERY OF AIR FORCE PERSONNEL TO U.S. CIVILIAN AUTHORITIES FOR TRIAL (AFR 111-11)

Legal Authority: 10 USC 8012; 10 USC 814

CFR Citation: 32 CFR 884

Legal Deadline: None.

Abstract: Regulation sets forth the authority, policy and procedures for delivery of Air Force personnel to United States civil authorities for trial.

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Col Dixon, Chief, Military Justice Division, Department of Defense, Department of the Air Force, HQ USAF/JAJM, Bldg 5683, Bolling AFB, DC 20332-6128, 202 767-1539

RIN: 0701-AA20

349. ENVIRONMENTAL IMPACT ANALYSIS PROCESS (ANGR 19-02)

Legal Authority: 10 USC 8012

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Identifies Air National Guard's policies and procedures for the Environmental Impact Analysis Process (EIAP).

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Mr. Van Gasbeck, Environmental Protection Specialist, Department of Defense, Department of the Air Force, ANGSC/DEV, Andrews AFB, MD 20331-6008, 301 981-4045

RIN: 0701-AA22

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

350. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8012 Sec 8012, 70A Stat. 488

CFR Citation: 32 CFR 837

Legal Deadline: None.

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

Timetable:

Action	Date	FR Cite
End Review	12/00/86	
NPRM	06/00/87	

Small Entity: No

Agency Contact: Mr. Moore, Department of Defense, Department of the Air Force, HQ USAF (SAF/PASX), Washington, DC 20330, 202 697-4100

RIN: 0701-AA18

DOD—AF

Proposed Rule Stage

351. CLAIMS AND TORT LITIGATION (AFR 112-1)

Legal Authority: 10 USC 8012 as amended

CFR Citation: 32 CFR 842

Legal Deadline: None.

Abstract: Establishes standard policies and procedures to administratively process claims.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/86	
End Review	12/00/86	
NPRM	05/00/87	

Small Entity: No

Agency Contact: Lt Col Kilroy, Department of Defense, Department of the Air Force, HQ USAF/JACC, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1575

RIN: 0701-AA19

352. ISSUING CERTIFICATES IN LIEU OF LOST OR DESTROYED CERTIFICATES OF SEPARATION (AFR 35-96)

Legal Authority: 10 USC 8012 Sec 8012, 70 Stat. 488; 10 USC 1041

CFR Citation: 32 CFR 887

Legal Deadline: None.

Abstract: Regulation tells who may apply for a certificate in lieu of a lost or destroyed certificate of separation and where and how to apply. Revision includes examples on how to prepare certificates to ensure the three agencies authorized to issue the certificates follow the same format.

Timetable:

Action	Date	FR Cite
End Review	12/00/86	
NPRM	04/00/87	

Small Entity: No

Agency Contact: Mr. Garcia, Military Personnel Management Specialist, Department of Defense, Department of the Air Force, HQ AFMPC/DPMDOP, Randolph AFB, TX 78150-6001, 512 652-2089

RIN: 0701-AA21

353. ● PERSONAL FINANCIAL RESPONSIBILITY (AFR 35-18)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 818

Legal Deadline: None.

Abstract: Establishes Air Force policy governing delinquent financial obligations and sets forth procedures for processing any claims of this nature. It is designed to ensure that Air Force members pay their just financial obligations in a proper and timely manner.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Mr. Taylor, Department of Defense, Department of the Air Force, HQ AFMPC/DPMASC2, Randolph AFB, TX 78150-6001, 512 652-3578

RIN: 0701-AA23

354. ● PERSONAL COMMERCIAL AFFAIRS (AFR 211-16)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 818a

Legal Deadline: None.

Abstract: Sets policy for private commercial solicitation and sales on Air Force installations, to include private commercial activities by individuals who reside on Air Force installations. It is designed to safeguard and promote the welfare and interests of military personnel as consumers.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: MSgt Hollett, Department of Defense, Department of the Air Force, HQ AFMPC/DPMASC, Randolph AFB, TX 78150-6001, 512 652-3996

RIN: 0701-AA24

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Final Rule Stage

355. AIRCRAFT ARRESTING SYSTEMS (AFR 55-42)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 856

Legal Deadline: None.

Abstract: Establishes policy on managing aircraft arresting systems including installation of systems at joint-use airports and use of systems by non-United States government aircraft.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	02/28/86	
NPRM	01/09/87	52 FR 803
NPRM Comment Period End	02/09/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Lt Col Purcell, Department of Defense, Department of the Air Force, HQ USAF/LEEV, Bldg 516, Bolling AFB, Washington, DC 20332-5000, 202 767-6240

RIN: 0701-AA17

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

356. USE OF USAF INSTALLATIONS BY OTHER THAN U.S. DOD AIRCRAFT (AFR 55-20)

Legal Authority: 49 USC 1507(a); 10 USC 8012

CFR Citation: 32 CFR 855

Legal Deadline: None.

Abstract: Procedures for the use of U.S. Air Force installations by aircraft other than U.S. DoD aircraft.

Timetable:

Action	Date	FR Cite
NPRM	11/13/86	51 FR 41121
Final Action	12/31/86	51 FR 47227
Final Action Effective	01/30/87	

Small Entity: No

Agency Contact: Mrs. Young, Department of Defense, Department of the Air Force, HQ USAF/PRPJA, 202 697-1796

RIN: 0701-AA02

[FR Doc. 87-8603 Filed 04-24-87; 8:45 am]
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federal register

Monday
April 27, 1987

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Semiannual Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Semiannual Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin 87-6 issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 87-6, dated December 4, 1986, prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

DATED: March 19, 1987.

Wendell L. Willkie,

General Counsel.

Departmental Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
357	Education Department General Administrative Regulations -- Definitions That Apply to Department Regulations	1880-AA31

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
358	Grantee Suspension and Debarment	1880-AA25
359	Disposal and Utilization of Surplus Real Property For Educational Purposes	1880-AA27
360	Debt Collection	1880-AA09
361	U.S. Exchange Visitor Program - Request for Waiver of the Two- year Foreign Residence Requirement	1880-AA29
362	Education Department General Administrative Regulations-- Amendment I	1880-AA19
363	Education Department General Administrative Regulations -- Amendments II	1880-AA24
364	Uniform Administrative Requirements for Grants to State and Local Governments	1880-AA15

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Departmental Management—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
365	Family Educational Rights and Privacy Act	1880-AA08

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
366	Advisory Committee Management	1880-AA18
367	Debt Collection; Interest on Outstanding Debts	1880-AA03
368	Salary Offset for Department of Education Employees to Recover Overpayment of Pay or Allowances	1880-AA30
369	Audit Requirements for State and Local Governments	1880-AA26
370	Education Department Acquisition Regulation (EDAR)	1880-AA16

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
371	Debt Collection: What Provisions Apply to Administrative Offset? Debt Collection: What Procedures Does the Secretary Follow for IRS Tax Refund Offsets?	1880-AA22

Office of Bilingual Education and Minority Languages Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
372	Bilingual Education: Academic Excellence Program	1885-AA11
373	Transition Program for Refugee Children	1885-AA10
374	Bilingual Education: State Educational Agency Program	1885-AA15
375	Bilingual Education: Evaluation Assistance Centers and Multifunctional Resource Centers	1885-AA13

Office of Bilingual Education and Minority Languages Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
376	Bilingual Education: Fellowship Program	1885-AA14

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
377	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

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Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
378	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Educational Research and Improvement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
379	Partnerships in Education for Mathematics, Science, and Engineering	1850-AA15
380	Educational Research Grant Program	1850-AA23
381	Regional Educational Laboratories and Research and Development Centers Program: General Provisions; Regional Educational Laboratories; and Research Development Centers	1850-AA28
382	Office of Educational Research and Improvement Fellows Program	1850-AA27
383	National Programs for Drug-Free Schools and Communities; Training and Demonstration Grants to Institutions of Higher Education; and Federal Activities Program	1850-AA29
384	College Library Resources Program	1850-AA21
385	Library Career Training Program	1850-AA24
386	Strengthening Research Library Resources Program	1850-AA22
387	College Library Technology and Cooperation Grants	1850-AA26
388	Territorial Teacher Training Assistance Program	1850-AA10
389	National Diffusion Network	1850-AA19

Office of Educational Research and Improvement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
390	Capacity-Building for Statistical Activities in State Agencies- Government in the Sunshine Act	1850-AA18
391	Secretary's Discretionary Program -- Amendments	1850-AA14
392	Library Research and Demonstration Program	1850-AA25

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
393	Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages	1850-AA05
394	Leadership in Educational Administration Program (LEAD)	1850-AA16

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
395	Special Education Program for Students Whose Parents are Engaged in Migrant and Other Seasonal Farmwork-High School Equivalency and College Assist. Migrant Programs	1810-AA34
396	Follow Through Program	1810-AA25
397	Assist. for LEAs in Areas Affected by Fed. Acts. and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Pub. Ed.--Heavily Impacted Dist.; Aver. Daily Attendance/Membership	1810-AA20
398	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed.--Sec. 2, Fed. Acquisition/Real Property	1810-AA22
399	Drug-Free Schools and Communities -- Hawaiian Natives Program	1810-AA32
400	Drug-Free Schools and Communities -- Regional Centers Program	1810-AA31
401	Christa McAuliffe Fellowship Program	1810-AA35

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Office of Elementary and Secondary Education—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
402	Indian Education Act - Formula Grants to LEAs and Tribal Schools Amendments (Certification of Eligibility)	1810-AA28
403	Indian Education Act - Formula Grants to LEAs and Tribal Schools (Eligibility Standards)	1810-AA33
404	Women's Educational Equity Program	1810-AA16

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
405	Assistance for School Construction in Areas Affected by Federal Activities (SAFA)	1810-AA05
406	Indian Education: Formula Grants to LEAs and Tribal Schools; Indian-Controlled Schools Enrichment; Indian Fellowship Program (Amendments)	1810-AA36
407	Desegregation of Public Education	1810-AA27

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
408	Financial Assistance to State Agencies to Meet Special Educational Needs of Handicapped Children	1810-AA19
409	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed. -- Sec. 3, Elig. to Claim Students	1810-AA21
410	Assist. for LEAs in Areas Affected by Federal Act. & Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed	1810-AA26

Office of Planning and Budget and Evaluation—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
411	Availability of Information to the Public Pursuant to Public Law 90-23	1875-AA03
412	Privacy Act Regulations	1875-AA02

Office of Planning and Budget and Evaluation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
413	Release of Adverse Information to News Media - Official Seal	1875-AA04

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
414	Secretary's Recognition Procedures for National Accrediting Agencies and Associations	1840-AA57
415	College Facilities Loan Program	1840-AA70
416	Institutional Aid General Provisions and Strengthening Institutional Program	1840-AA62
417	Veterans' Educational Outreach Program	1840-AA76
418	Fund for the Improvement of Postsecondary Education -- Innovative Projects for Student Community Services	1840-AA60

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Office of Postsecondary Education—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
419	Cooperative Education Program	1840-AA73
420	Strengthening Historically Black Colleges and Universities	1840-AB00
421	Training Program for Special Program Staff and Leadership Personnel	1840-AB01
422	Talent Search Program	1840-AA71
423	Educational Opportunities Centers Program	1840-AA72
424	Upward Bound Program	1840-AA78
425	Student Support Services	1840-AA77
426	Jacob K. Javits Fellows Program	1840-AA87
427	National Resource Centers	1840-AA64
428	Foreign Languages and Area Studies Fellowships Program, Part I	1840-AA65
429	Foreign Languages and Area Studies Fellowships Program, Part II	1840-AA66
430	Student Assistance General Provisions - Subpart A, B, C	1840-AA79
431	Language Resources Centers Program	1840-AA67
432	Intensive Summer Language Institutes	1840-AA68
433	Foreign Periodicals Program	1840-AA69
434	Income Contingent Loan Program Demonstration Project	1840-AA58
435	Campus-Based Programs, 1988-89	1840-AA98
436	Disclosure of Foreign Gifts	1840-AA75
437	Guaranteed Student Loan/PLUS/Supplemental Loan/Consolidation Loan Programs	1840-AA96
438	Pell Grant Program	1840-AA97
439	State Student Incentive Grant Program	1840-AA59
440	Treatment of Territories and Territorial Student Assistance	1840-AA74

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
441	Institutional Eligibility Under the Higher Education Act of 1965, as amended, and the College Housing Program	1840-AA32
442	Endowment Challenge Grant Program	1840-AA81
443	Minority Science Improvement Program	1840-AA89
444	Law School Clinical Experience Program	1840-AA88
445	Upward Bound Program	1840-AA84
446	Student Support Services	1840-AA82
447	Patricia Roberts Harris Fellows Program	1840-AA86
448	Undergraduate International Studies and Foreign Language Program	1840-AA80
449	International Research and Studies Program	1840-AA83
450	Business and International Education Program	1840-AA85
451	Student Assistance General Provisions -- Subparts A, B, D, F, G	1840-AA11
452	Student Assistance General Provisions - Subpart H	1840-AA92
453	Perkins Loan Program (formerly the National Direct Student Loan Program) Subpart C - Due Diligence	1840-AA02
454	Perkins Loan Program, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs)	1840-AA03

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
455	Carl D. Perkins Scholarship Program	1840-AA35
456	National Talented Teacher Fellowship Program	1840-AA36
457	College Housing Program; Financial Assistance for Construction, Reconstruction, or Renovation of Higher Ed. Facilities; Loan Management	1840-AA30
458	Student Assistance General Provisions -- QC/QA System	1840-AA39
459	Guaranteed Student Loan/PLUS Programs	1840-AA04
460	Pell Grant Program - Calculation procedures	1840-AA51
461	Pell Grant Program -- ADS Amendments	1840-AA52
462	State Student Incentive Grant Program	1840-AA53

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Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
463	Assistance to States for Education of Handicapped Children	1820-AA71
464	Preschool Grants for Handicapped Children's Program	1820-AA48
465	Grants for Infants and Families	1820-AA49
466	Removal of Architectural Barriers to the Handicapped Program	1820-AA51
467	Services for Deaf-Blind Children and Youth Program	1820-AA53
468	Handicapped Children's Early Education Program	1820-AA54
469	Programs for Severely Handicapped Children	1820-AA55
470	Training Personnel for the Education of the Handicapped - Parent Training and Information Centers; Special Projects; and General	1820-AA68
471	Training Personnel for the Education of the Handicapped - Grants to State Educational Agencies for Traineeships	1820-AA56
472	Clearinghouses for the Handicapped Program	1820-AA58
473	Training Programs for Teachers of Handicapped Children in Areas with a Shortage	1820-AA75
474	Captioned Films Loan Service for the Deaf Program and Educational Media Loan Service for the Handicapped Program	1820-AA61
475	Technology, Educational Media, and Materials for the Handicapped	1820-AA63
476	National Institute on Disability and Rehabilitation Research - Amendments	1820-AA65
477	Handicapped Research: Research Fellowship and Research Training and Career Development	1820-AA66
478	The State Vocational Rehabilitation Services Program	1820-AA40
479	The State Vocational Rehabilitation Services Program - Additional Amendments	1820-AA46
480	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47
481	Rehabilitation Services Administration General Regulatory Review	1820-AA45
482	The State Supported Employment Services Program	1820-AA44
483	The State Independent Living Rehabilitation Services Program	1820-AA37
484	Independent Living Services for Older Blind Individuals	1820-AA41
485	Projects for American Indians with Handicaps and Long-term Training	1820-AA43
486	Vocational Rehabilitation Services to Individuals with Severe Handicaps/Special Projects and Demonstrations for Providing Supported Employment Serv. to Indiv. with Severe Handicaps	1820-AA76
487	Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youths with Handicaps	1820-AA74

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
488	Regional Resource and Federal Centers Program	1820-AA52
489	Research in Education of the Handicapped Program	1820-AA69
490	Secondary Education and Transitional Services for Handicapped Youth Program	1820-AA59
491	Handicapped Special Studies Program	1820-AA72
492	Educational Media Research, Production, Distribution, and Training	1820-AA73
493	Miscellaneous Technical Amendments to the Rehabilitation Services Regulations	1820-AA39

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
494	Postsecondary Education Programs for Handicapped Persons	1820-AA64
495	Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youths with Handicaps	1820-AA42

Office of Intergovernmental and Interagency Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
496	Intergovernmental Review of Department of Education Programs and Activities – List of Programs	1860-AA00

ED

Miscellaneous Department of Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
497	Inventions and Patents – General	1801-AA04
498	Equal Access to Justice	1801-AA01
499	Due Process Regulations	1801-AA02

DEPARTMENT OF EDUCATION (ED)

Prerule Stage

Departmental Management (EDMAN)

357. ● EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS – DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 077

Legal Deadline: None.

Abstract: See Preamble: The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Part 77 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
Begin Review	06/00/87	
End Review	12/00/87	

Small Entity: Not Applicable

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Room 3021), Washington, DC 20202, 202 472-5123

RIN: 1880-AA31

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Departmental Management (EDMAN)

358. GRANTEE SUSPENSION AND DEBARMENT

Legal Authority: EO 12549; 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 000

Legal Deadline: None.

Abstract: These regulations would contain criteria and minimum due process procedures for suspension and debarment of ED Assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3021, FOB-6), Washington, DC 20202, 202 472-5123

RIN: 1880-AA25

359. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

Legal Authority: 40 USC 484

CFR Citation: 34 CFR 12

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: David B. Hakola, Staff Assistant, Administrator for Management Services, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1175, FOB-6, Washington, DC 20202, 202 245-0306

RIN: 1880-AA27

360. DEBT COLLECTION

Significance: Regulatory Program

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 030

Legal Deadline: None.

Abstract: These proposed regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Standards, and OMB Circular A-50 regarding establishment of a debt collection program.

The proposed regulations would improve management and accountability of Federal funds and are designed to establish an efficient, equitable, and effective program for the collection of debts owed to the Department of Education.

These regulations are being published in two separate sets of regulations. See RIN # 1880-AA22.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Jerald E. Levine, Management Analyst, Department of Education, Departmental Management,

400 Maryland Ave, SW, (Rm. 3034 FOB-6), Washington, DC 20202, 202 472-6032

RIN: 1880-AA09

361. U.S. EXCHANGE VISITOR PROGRAM - REQUEST FOR WAIVER OF THE TWO- YEAR FOREIGN RESIDENCE REQUIREMENT

Legal Authority: 8 USC 1182(e); 22 USC 2451

CFR Citation: 34 CFR 50

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Kathleen Hunter, Special Assistant to the Director, Interagency Operations, Department of Education, Departmental Management, Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW (Rm. 3023, FOB-6), Washington, DC 20202, 202 472-5812

RIN: 1880-AA29

362. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS-- AMENDMENT I

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 75; 34 CFR 76

Legal Deadline: None.

Abstract: See Preamble: The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Parts 75 and 76 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	02/19/87	52 FR 5142
NPRM Comment Period End	04/06/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Avenue, SW, Rm. 3021, FOB-6, Washington, DC 20202, 202 472-5123

RIN: 1880-AA19

363. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS -- AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 75; 34 CFR 76

Legal Deadline: None.

Abstract: See Preamble. The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Parts 75 and 76 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3021, FOB-6), Washington, DC 20202, 202 472-5123

RIN: 1880-AA24

364. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 80; 34 CFR 74

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current ED regulations codified at 34 CFR Part 74 were adopted to implement both Circular A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. To implement revised Circular A-102, ED will adopt regulations approved by OMB affecting grantees that are State, local, and Indian tribal governments in 34 CFR Part 80. Regulations for the grantees covered by Circular A-110 will be retained in an amended 34 CFR Part 74.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3021 FOB-6), Washington, DC 20202, 202 472-5123

RIN: 1880-AA15

365. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Significance: Regulatory Program

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 099

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Patricia Ballinger (FERPA), Student Family Education Rights & Privacy, Department of Education, Departmental Management, 400 Maryland Ave., SW, (Rm. 3021, FOB-6), Washington, DC 20202, 202 732-2058

RIN: 1880-AA08

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

366. ADVISORY COMMITTEE MANAGEMENT

Legal Authority: 20 USC 1233 et seq; 5 USC Appendix 2

CFR Citation: 34 CFR 11

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30511
NPRM Comment Period End	10/14/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Ann Bailey, Committee Management Officer, Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW, (Rm. 1017, FOB-6), Washington, DC 20202, 202 732-3677

RIN: 1880-AA18

367. DEBT COLLECTION; INTEREST ON OUTSTANDING DEBTS

Legal Authority: 20 USC 1221e -3(a)(1); 31 USC 3717

CFR Citation: 34 CFR 030

Legal Deadline: None.

Abstract: These regulations would establish Departmental policies for assessing interest on outstanding debts and implementing the interest assessment provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	07/11/84	49 FR 28264
NPRM Comment Period End	08/27/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Frank Stidman, Director, Financial Assistance, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3109, FPB-6), Washington, DC 20202, 202 245-2964

RIN: 1880-AA03

368. SALARY OFFSET FOR DEPARTMENT OF EDUCATION EMPLOYEES TO RECOVER OVERPAYMENT OF PAY OR ALLOWANCES

Legal Authority: 5 USC 5514; 31 USC 3716

CFR Citation: 34 CFR 32

Legal Deadline: None.

Abstract: These regulations would implement procedures for offsetting a debt against the Federal pay of a current or former employee of the Department of Education to recover an overpayment of pay or allowances.

Timetable:

Action	Date	FR Cite
NPRM	09/11/84	49 FR 35658
NPRM Comment Period End	10/11/84	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Charles J. Walters, Policy Analyst, Department of Education, Departmental Management, Office of Personnel Resource Management, 400 Maryland Ave., SW (Rm. 1083 FOB-6), Washington, DC 20202, 202 245-3087

RIN: 1880-AA30

369. AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301; 31 USC 7505(a)

CFR Citation: 34 CFR 74

Legal Deadline: None.

Abstract: These regulations would implement the Single Audit Act of 1984 and the Office of Management and Budget Circular No. A-128.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/85	50 FR 37356
Final Action Effective	10/28/85	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Guido Peqces', Auditor, Office of the Inspector General, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 4200, Switzer), Washington, DC 20202, 202 245-0271

RIN: 1880-AA26

370. EDUCATION DEPARTMENT ACQUISITION REGULATION (EDAR)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR Chapter 34

Legal Deadline: None.

Abstract: These regulations implement the Federal Acquisition Regulation within the Department of Education, and include additional policies, procedures, solicitation provisions, and contract clauses.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Richard Galloway, Chief, Acquisition Policy Branch, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3519, ROB-3), Washington, DC 20202, 202 732-2525

RIN: 1880-AA16

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

371. DEBT COLLECTION: WHAT PROVISIONS APPLY TO ADMINISTRATIVE OFFSET? DEBT COLLECTION: WHAT PROCEDURES DOES THE SECRETARY FOLLOW FOR IRS TAX REFUND OFFSETS?

Significance: Regulatory Program

CFR Citation: 34 CFR 30

Completed:

Reason	Date	FR Cite
Final Action	10/07/86	51 FR 35645
Final Action Effective	11/21/86	

Small Entity: No

Agency Contact: Jerald E. Levine 202 472-6032

RIN: 1880-AA22

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Proposed Rule Stage

372. BILINGUAL EDUCATION: ACADEMIC EXCELLENCE PROGRAM

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 524

Legal Deadline: None.

Abstract: These proposed regulations would implement the provisions of P.L. 98-511 governing projects designed to serve as models of exemplary bilingual education programs and facilitate the dissemination of effective bilingual education practices.

Timetable:

Action	Date	FR Cite
NPRM	03/10/87	52 FR 7380
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave., SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA11

373. TRANSITION PROGRAM FOR REFUGEE CHILDREN

Significance: Regulatory Program

Legal Authority: 8 USC 1522(d)

CFR Citation: 34 CFR 538

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW (Rm. 421 Rptrs. Bldg.), Washington, DC 20202, 202 245-2600

RIN: 1885-AA10

374. ● BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROGRAM

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 548

Legal Deadline: None.

Abstract: These amendments would simplify the data collection process and eliminate unnecessary duplication of data.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave. SW, (Room 421, Rep. Bldg.), Washington, DC 20202, 202 245-2600

RIN: 1885-AA15

375. BILINGUAL EDUCATION: EVALUATION ASSISTANCE CENTERS AND MULTIFUNCTIONAL RESOURCE CENTERS

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 549; 34 CFR 575

Legal Deadline: None.

Abstract: These proposed regulations would implement provisions of P.L. 98-511 for establishing evaluation assistance centers and multifunctional resource centers.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave. SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA13

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Final Rule Stage

376. BILINGUAL EDUCATION: FELLOWSHIP PROGRAM

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 562

Legal Deadline: None.

Abstract: These final regulations respond to the comments received from the National Advisory and Coordinating Counsel on Bilingual Education on the final with invitation to comment and to the public comments.

ED—BEMLA — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Avenue, SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA14

DEPARTMENT OF EDUCATION (ED) — Proposed Rule Stage

Office for Civil Rights (OCR)

377. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Legal Deadline: None.

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Phillip G. Kiko, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA06

DEPARTMENT OF EDUCATION (ED) — Final Rule Stage

Office for Civil Rights (OCR)

378. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None.

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Phillip G. Kiko, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Room 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA05

DEPARTMENT OF EDUCATION (ED) — Proposed Rule Stage

Office of Educational Research and Improvement (OERI)

379. PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

Legal Authority: PL 99-159

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: These proposed regulations would implement certain provisions in the Education for Economic Security Act, as amended by the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Patricia Alexander, Senior Associate, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 1011, FOB-6, Washington, DC 20202, 202 732-3566

RIN: 1850-AA15

380. ● EDUCATIONAL RESEARCH GRANT PROGRAM

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 700

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/09/87	

Small Entity: Undetermined

Agency Contact: Lawrence Bussey, Senior Management Analyst, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, (Rm. 610 - Cap. Pl. Bldg.), Washington, DC 20202, 202 357-6249

RIN: 1850-AA23

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381. ● REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS PROGRAM: GENERAL PROVISIONS; REGIONAL EDUCATIONAL LABORATORIES; AND RESEARCH DEVELOPMENT CENTERS

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 706; 34 CFR 707; 34 CFR 708

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Lawrence Bussey, Senior Management Analyst, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 610 Cap. Pl. Bldg., Washington, DC 20202, 202 357-6249

RIN: 1850-AA28

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382. ● OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT FELLOWS PROGRAM

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 762

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Shannon Weatherly, Special Assistant, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 600 Cap. Pl. Bldg., Washington, DC 20202, 202 357-6050

RIN: 1850-AA27

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383. ● NATIONAL PROGRAMS FOR DRUG-FREE SCHOOLS AND COMMUNITIES; TRAINING AND DEMONSTRATION GRANTS TO INSTITUTIONS OF HIGHER EDUCATION; AND FEDERAL ACTIVITIES PROGRAM

Significance: Regulatory Program

Legal Authority: PL 99-570

CFR Citation: 34 CFR 764; 34 CFR 765; 34 CFR 766

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Drug-Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas E. Enderlein, Program Coordinator, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Rm 1011, Washington, DC 20202, 202 732-3595

RIN: 1850-AA29

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384. ● COLLEGE LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 773

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW - Rm 402, Capitol Place Bldg. Washington, DC 20202, 202 357-6315

RIN: 1850-AA21

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385. ● LIBRARY CAREER TRAINING PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 776

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW - Rm 402Cap. Pl. Bldg., Washington, DC 20202, 202 357-6315

RIN: 1850-AA24

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386. ● STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 778

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

ED—OERI

Proposed Rule Stage

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW - Rm 402, Capitol Place Bldg. - Washington, DC 20202, 202 357-6315

RIN: 1850-AA22

387. ● COLLEGE LIBRARY TECHNOLOGY AND COOPERATION GRANTS

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 779

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 402 Cap. Pl. Bldg., Washington, DC 20202, 202 357-6315

RIN: 1850-AA26

388. TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM

Legal Authority: PL 95-561

CFR Citation: 34 CFR 790

Legal Deadline: None.

Abstract: See Preamble. These proposed regulations would also amend 34 CFR 790.2 (Eligible Parties) to promote increased participation in the Territorial Teacher Training Program on the part of the institutions of higher education in each respective territory.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Haroldie Spriggs, Project Officer, Programs for the Improvement of Practices, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Rm. 508, Capitol Place Bldg., Washington, DC 20202, 202 357-6149

RIN: 1850-AA10

389. NATIONAL DIFFUSION NETWORK

Legal Authority: 20 USC 3851

CFR Citation: 34 CFR 785; 34 CFR 786; 34 CFR 787; 34 CFR 788; 34 CFR 789

Legal Deadline: None.

Abstract: These proposed regulations would implement certain provisions of Sec. 583 of the Education Consolidation and Improvement Act of 1981, as amended by 1404 of the Higher Education Amendments of 1986 (PL 99-498), revise the JDRP review process, establish a program significance panel to review curriculum materials, include the Secretary's School Recognition Program as an activity of the NDN, limit developer demonstration projects to a total of 6 years of funding by NDN, establish two new projects, add two new priorities, and revise the activities to be carried out by the grantees.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Lois N. Weinberg, Education Program Specialist, Programs for the Improvement of Practice, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Rm. 510, Capitol Place Bldg., Washington, DC 20202, 202 357-6147

RIN: 1850-AA19

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Final Rule Stage

390. CAPACITY-BUILDING FOR STATISTICAL ACTIVITIES IN STATE AGENCIES- GOVERNMENT IN THE SUNSHINE ACT

Legal Authority: 20 USC 1221e-1(b)(3) and (e)

CFR Citation: 34 CFR 726; 34 CFR 705

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Macknight Black, Education Program Officer, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Room 410B, Capitol Place Building, Washington, DC 20202, 202 357-6594

RIN: 1850-AA18

391. SECRETARY'S DISCRETIONARY PROGRAM – AMENDMENTS

Legal Authority: 20 USC 3851

CFR Citation: 34 CFR 760

Legal Deadline: None.

Abstract: These proposed amendments would revise the number of points assigned to the evaluation criteria and would permit the Secretary to review and fund unsolicited proposals for the program throughout the year.

Timetable:

Action	Date	FR Cite
NPRM	11/17/86	51 FR 41562
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Thomas E. Enderlein, Program Coordinator, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Rm. 1011, FOB-6, Washington, DC 20202, 202 732-3595

RIN: 1850-AA14

392. ● LIBRARY RESEARCH AND DEMONSTRATION PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 777

ED—OERI **Final Rule Stage**

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW - Rm. 402, Cap. Pl. Bldg., Washington, DC 20202, 202 357-6315

RIN: 1850-AA25

DEPARTMENT OF EDUCATION (ED)
Office of Educational Research and Improvement (OERI)

Completed Actions

393. SECRETARY'S DISCRETIONARY PROGRAM FOR MATHEMATICS, SCIENCE, COMPUTER LEARNING, AND CRITICAL FOREIGN LANGUAGES

CFR Citation: 34 CFR 755

Completed:

Reason	Date	FR Cite
Final Action	01/26/87	52 FR 2691
Final Action Effective	03/12/87	

Small Entity: Undetermined

Agency Contact: Patricia Alexander 202 732-3566

RIN: 1850-AA05

394. LEADERSHIP IN EDUCATIONAL ADMINISTRATION PROGRAM (LEAD)

CFR Citation: 34 CFR 761

Completed:

Reason	Date	FR Cite
Final Action	03/24/87	52 FR 9440

Small Entity: Undetermined

Agency Contact: Hunter N. Moorman 202 357-6173

RIN: 1850-AA16

DEPARTMENT OF EDUCATION (ED)
Office of Elementary and Secondary Education (OESE)

Proposed Rule Stage

395. ● SPECIAL EDUCATION PROGRAM FOR STUDENTS WHOSE PARENTS ARE ENGAGED IN MIGRANT AND OTHER SEASONAL FARMWORK- HIGH SCHOOL EQUIVALENCY AND COLLEGE ASSIST. MIGRANT PROGRAMS

Legal Authority: 20 USC 1070d-2

CFR Citation: 34 CFR 206

Legal Deadline: None.

Abstract: These amendments would implement Title IV, Part A, Subpart 5, Section 418A of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, PL 99-498.

Timetable:

Action	Date	FR Cite
NPRM	04/11/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: John F. Staehle, Director, Office of Migrant Educ., Department of Education, Office of Elementary and Secondary Education, Office of Elementary and Secondary Ed., 400 Maryland Ave, SW, Room 2145, Washington, DC 20202, 202 732-4746

RIN: 1810-AA34

396. FOLLOW THROUGH PROGRAM

Legal Authority: 42 USC 9861 to 9868

CFR Citation: 34 CFR 215

Legal Deadline: None.

Abstract: See Preamble. In addition to changes resulting from deregulation, these regulations would implement certain provisions of the Human Services Reauthorization Act of 1986, (PL 99-425).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: James M. Spillane, Director, Division of Program Support, Department of Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW (Rm. 2017, FOB-6), Washington, DC 20202, 202 245-2465

RIN: 1810-AA25

397. ASSIST. FOR LEAS IN AREAS AFFECTED BY FED. ACTS. AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUB. ED.--HEAVILY IMPACTED DIST.; AVER. DAILY ATTENDANCE/MEMBERSHIP

Legal Authority: 20 USC 236; 20 USC 238; 20 USC 240; 20 USC 242; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None.

Abstract: These proposed regulations would implement section 3(d)(2)(B) of the Impact Aid law, P.L. 81-874, which authorizes supplemental payments enabling LEAs that are heavily impacted by federally connected children to provide a level of education that is equivalent to that maintained in comparable school districts. These regulations would also establish definitions and procedures for calculating payments to LEAs in States that do not collect average daily attendance data. These regulations would also establish standards for determining when an SEA can apply as an LEA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA20

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398. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED, OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED.–SEC. 2, FED. ACQUISITION/REAL PROPERTY

Legal Authority: 20 USC 236; 20 USC 237; 20 USC 238; 20 USC 239; 20 USC 240; 20 USC 242; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None.

Abstract: These proposed amendments would implement section 2 of the Impact Aid Law, P.L. 81-874, which authorizes payments to supplemental real property tax revenues for local educational agencies upon which the Federal Government has imposed a burden due to the acquisition of real property and removal of that property from the local tax rolls. These amendments would establish definitions and procedures for eligibility and entitlement determinations under sections 2 and 3. These regulations also would amend general definitions relating to applications under Secs. 2, 3, and 4 of PL 81-874.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA22

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399. ● DRUG-FREE SCHOOLS AND COMMUNITIES – HAWAIIAN NATIVES PROGRAM

Significance: Regulatory Program

Legal Authority: PL 99-570

CFR Citation: 34 CFR 230

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Drug- Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Dick Hays, Chairman, OESE Drug-Free Schools, Task Force, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave. SW, Room 2135, Washington, DC 20202, 202 732-4599

RIN: 1810-AA32

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400. ● DRUG-FREE SCHOOLS AND COMMUNITIES – REGIONAL CENTERS PROGRAM

Significance: Regulatory Program

Legal Authority: PL 99-570

CFR Citation: 34 CFR 235

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Drug-Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8570
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Dick Hays, Chairman , OESE Drug-Free Schools, Task Force, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave. SW, Room 2135, Washington, DC 20202, 202 732-4599

RIN: 1810-AA31

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401. ● CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

Legal Authority: PL 99-570

CFR Citation: 34 CFR 237

Legal Deadline: None.

Abstract: These regulations would implement Sec 563 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, PL 99-498.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Ms. Willi Webb, Director, Policy, Planning and, Executive Operations, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2189, Washington, DC 20202, 202 245-8720

RIN: 1810-AA35

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402. INDIAN EDUCATION ACT - FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS AMENDMENTS (CERTIFICATION OF ELIGIBILITY)

Legal Authority: 20 USC 1221h(c)

CFR Citation: 34 CFR 251

Legal Deadline: None.

Abstract: These amendments would establish requirements for the completion of the student certification forms to implement Sec. 453(d) of the Indian Education Act, PL 92-318.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Ervin Keith, Acting Deputy Director, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW (Rm. 2177, FOB-6), Washington, DC 20202, 202 732-1887

RIN: 1810-AA28

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403. ● INDIAN EDUCATION ACT - FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS (ELIGIBILITY STANDARDS)

Legal Authority: 20 USC 241aa to 241ff

CFR Citation: 34 CFR 251

Legal Deadline: None.

Abstract: These amendments would establish criteria for payments to LEAs

ED—OESE **Proposed Rule Stage**

under section 303(a) of the Indian Education Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Ervin Keith, Acting Deputy Director, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave. SW, Room 2177, Washington, DC 20202, 202 732-1887

RIN: 1810-AA33

404. WOMEN'S EDUCATIONAL EQUITY PROGRAM

Legal Authority: 20 USC 3341 to 3348

CFR Citation: 34 CFR 245; 34 CFR 246; 34 CFR 247

Legal Deadline: None.

Abstract: See Preamble. These regulations would also implement Sec. 932(a)(2) of Title IX, Part C of the Elementary and Secondary Education Act of 1965, as amended by P.L. 98-511. Includes RIN 1810-AA15

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Mrs. Jan-Williams Madison, Chief, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW (Rm. 2053), Washington, DC 20202, 202 472-2276

RIN: 1810-AA16

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Elementary and Secondary Education (OESE)

405. ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES (SAFA)

Legal Authority: 20 USC 631 to 645; 20 USC 647

CFR Citation: 34 CFR 221

Legal Deadline: None.

Abstract: These regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40362
NPRM Comment Period End	12/14/84	
Final Action	06/00/87	

Small Entity: No

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA05

406. ● INDIAN EDUCATION: FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS; INDIAN-CONTROLLED SCHOOLS ENRICHMENT; INDIAN FELLOWSHIP PROGRAM (AMENDMENTS)

Legal Authority: 20 USC 241aa to 241ff; 20 USC 3385b

CFR Citation: 34 CFR 251; 34 CFR 253; 34 CFR 263

Legal Deadline: None.

Abstract: These technical amendments would implement Section 4133 of the Drug-Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Ervin Keith, Deputy Director, Department of Education, Office of Elementary and Secondary Education, Office of Elementary and Secondary Ed., 400 Maryland Ave, SW, (Room 2177), Washington, DC 20202, 202 732-1887

RIN: 1810-AA36

407. DESEGREGATION OF PUBLIC EDUCATION

Legal Authority: 42 USC 2000 to 2000-5

CFR Citation: 34 CFR 270; 34 CFR 271; 34 CFR 272

Legal Deadline: None.

Abstract: See Preamble. These proposed regulations would revise the procedures under the State Educational Assistance (SEA) Program to allow applicants to submit one application, rather than three, when applying for race, sex, or national origin desegregation assistance and make other changes for the SEA and Desegregation Assistance Centers Programs.

Timetable:

Action	Date	FR Cite
NPRM	02/17/87	52 FR 4852
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Curtis F. Coates, Chief, Equity Training Technical Assistance Section, Department of Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW (Rm. 2065, FOB-6), Washington, DC 20202, 202 732-4345

RIN: 1810-AA27

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DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Elementary and Secondary Education (OESE)

408. FINANCIAL ASSISTANCE TO STATE AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF HANDICAPPED CHILDREN

Significance: Regulatory Program

CFR Citation: 34 CFR 302; 34 CFR 204

Completed:

Reason	Date	FR Cite
Withdrawn	02/18/87	

Small Entity: No

Agency Contact: William Tyrrell 202 732-1014

RIN: 1810-AA19

409. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED. -- SEC. 3, ELIG. TO CLAIM STUDENTS

CFR Citation: 34 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	11/17/86	51 FR 41562
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: W. Stanley Kruger 202 732-3637

RIN: 1810-AA21

410. ASSIST. FOR LEAS IN AREAS AFFECTED BY FEDERAL ACT. & ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED

CFR Citation: 34 CFR 218; 34 CFR 222; 34 CFR 223

Completed:

Reason	Date	FR Cite
Withdrawn	03/09/87	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger 202 732-3637

RIN: 1810-AA26

DEPARTMENT OF EDUCATION (ED)

Prerule Stage

Office of Planning and Budget and Evaluation (OPBE)

411. AVAILABILITY OF INFORMATION TO THE PUBLIC PURSUANT TO PUBLIC LAW 90-23

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 34 CFR 5

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/87	
End Review	07/00/87	

Small Entity: Undetermined

Agency Contact: Tom Lyon, Freedom of Information and Privacy Act, Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 245-8907

RIN: 1875-AA03

412. PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 301; 5 USC 552a

CFR Citation: 34 CFR 5b

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/87	
End Review	07/00/87	

Small Entity: Undetermined

Agency Contact: Tom Lyon, Freedom of Information and Privacy Act, Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 245-8907

RIN: 1875-AA02

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Planning and Budget and Evaluation (OPBE)

413. RELEASE OF ADVERSE INFORMATION TO NEWS MEDIA - OFFICIAL SEAL

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 17; 34 CFR 3

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Tom Lyon, Freedom of Information and Privacy Act, Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 245-8907

RIN: 1875-AA04

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Proposed Rule Stage

414. ● SECRETARY'S RECOGNITION PROCEDURES FOR NATIONAL ACCREDITING AGENCIES AND ASSOCIATIONS

Significance: Regulatory Program

Legal Authority: 20 USC 1058; 20 USC 1061; 20 USC 1085; 20 USC 1088; 20 USC 1141; 20 USC 1401

CFR Citation: 34 CFR 602; 34 CFR 603

Legal Deadline: None.

Abstract: See preamble. An accrediting body must conform to certain criteria to be recognized by the Secretary. The National Advisory Committee on Accreditation and Institutional Eligibility reviewed the criteria and recommended changes to the Secretary for improvement. These regulations would implement these changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: James B. Williams, Special Assistant to the Deputy Assistant, Secretary for Higher Education Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave (Room 3082 ROB-3), Washington, DC 20202, 202 245-9758

RIN: 1840-AA57

415. ● COLLEGE FACILITIES LOAN PROGRAM

Legal Authority: 20 USC 1132g to 1132g - 3

CFR Citation: 34 CFR 614

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Sumner Bravman, Program Manager, College Facilities Loan Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, 202 732-4394

RIN: 1840-AA70

416. ● INSTITUTIONAL AID GENERAL PROVISIONS AND STRENGTHENING INSTITUTIONAL PROGRAM

Legal Authority: PL 99-498

CFR Citation: 34 CFR 625

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Caroline J. Gillin, Director, Division of Institutional Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., (Rm. 3042 ROB-3), Washington, DC 20202, 202 732-3338

RIN: 1840-AA62

417. ● VETERANS' EDUCATIONAL OUTREACH PROGRAM

Legal Authority: 20 USC 1070e - 1

CFR Citation: 34 CFR 629

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA76

418. ● FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION — INNOVATIVE PROJECTS FOR STUDENT COMMUNITY SERVICES

Legal Authority: 20 USC 1135 to 1135a - 2; 20 USC 1135e to 1135e - 1

CFR Citation: 34 CFR 630

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: John E. Donahue, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3100, ROB-3), Washington, DC 20202, 202 245-8091

RIN: 1840-AA60

419. ● COOPERATIVE EDUCATION PROGRAM

Legal Authority: 20 USC 1133a to 1133b

CFR Citation: 34 CFR 631; 34 CFR 632; 34 CFR 633; 34 CFR 634; 34 CFR 635; 34 CFR 636

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith, Director, Division of Higher Ed. Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SE, (Rm. 3022 ROB-3), Washington, DC 20202, 202 732-4389

RIN: 1840-AA73

420. ● STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Legal Authority: 20 USC 1060; 20 USC 1063c; 20 USC 1066; 20 USC 1068e; 20 USC 1069f

CFR Citation: 34 CFR 641

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Caroline S. Gillis, Director, Division of Institutional Development, Department of Education, Office of Postsecondary Education, 400 Md. Ave., SW, (Rm. 3042 - ROB-3), Washington, DC 20202, 202 732-3308

RIN: 1840-AB00

421. ● TRAINING PROGRAM FOR SPECIAL PROGRAM STAFF AND LEADERSHIP PERSONNEL

Legal Authority: PL 99-498

CFR Citation: 34 CFR 642

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AB01

422. ● TALENT SEARCH PROGRAM

Legal Authority: 20 USC 1070d - 1

CFR Citation: 34 CFR 643

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA71

423. ● EDUCATIONAL OPPORTUNITIES CENTERS PROGRAM

Legal Authority: 20 USC 1070d - 1c

CFR Citation: 34 CFR 644

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Richart T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA72

424. ● UPWARD BOUND PROGRAM

Legal Authority: 20 USC 1070d to 1070d - 1a

CFR Citation: 34 CFR 645

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA78

425. ● STUDENT SUPPORT SERVICES

Legal Authority: 20 USC 1070; 20 USC 1070d - 1b

CFR Citation: 34 CFR 646

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA77

426. ● JACOB K. JAVITS FELLOWS PROGRAM

Legal Authority: 20 USC 1134h to 1134k

CFR Citation: 34 CFR 650

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Allen P. Cissell, Director, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3514 ROB-3), Washington, DC 20202, 202 732-4415

RIN: 1840-AA87

427. ● NATIONAL RESOURCE CENTERS

Legal Authority: PL 99-498

CFR Citation: 34 CFR 656

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA64

428. ● FOREIGN LANGUAGES AND AREA STUDIES FELLOWSHIPS PROGRAM, PART I

Legal Authority: PL 99-498

CFR Citation: 34 CFR 657

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA65

429. ● FOREIGN LANGUAGES AND AREA STUDIES FELLOWSHIPS PROGRAM, PART II

Legal Authority: PL 99-498

CFR Citation: 34 CFR 657

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202W, (Rm. 3054 ROB-3), 202 732-3304

RIN: 1840-AA66

430. ● STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART A, B, C

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, 202 472-4300

RIN: 1840-AA79

431. ● LANGUAGE RESOURCES CENTERS PROGRAM

Legal Authority: 20 USC 1123

CFR Citation: 34 CFR 669

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3045 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA67

432. ● INTENSIVE SUMMER LANGUAGE INSTITUTES

Legal Authority: 20 USC 1124a

CFR Citation: 34 CFR 670

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA68

433. ● FOREIGN PERIODICALS PROGRAM

Legal Authority: 20 USC 1125a

CFR Citation: 34 CFR 671

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA69

434. ● INCOME CONTINGENT LOAN PROGRAM DEMONSTRATION PROJECT

Significance: Regulatory Program

Legal Authority: 20 USC 1087a to 1087e

CFR Citation: 34 CFR 673

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, PL 99-498.

Timetable:

Action	Date	FR Cite
NPRM	03/05/87	52 FR 6924
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: William Moran, Director, Division of Policy and, Program Development, Department of Education, Office of Postsecondary Education, Office of Postsecondary Education, 400 Maryland Ave (Rm 4100 ROB-3), Washington, DC 20202, 202 245-2247

RIN: 1840-AA58

435. ● CAMPUS-BASED PROGRAMS, 1988-89

Legal Authority: PL 99-498

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Chief, Policy Section, Campus and State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4018 ROB-3), Washington, DC 20202, 202 245-9720

RIN: 1840-AA98

436. ● DISCLOSURE OF FOREIGN GIFTS

Legal Authority: PL 99-498

CFR Citation: 34 CFR 680

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joan E. Duval, Division of Eligibility and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3030 ROB-3), Washington, DC 20202, 202 245-9703

RIN: 1840-AA75

437. ● GUARANTEED STUDENT LOAN/PLUS/SUPPLEMENTAL LOAN/CONSOLIDATION LOAN PROGRAMS

Legal Authority: 20 USC 1071 et seq

CFR Citation: 34 CFR 682; 34 CFR 683

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Carol Roberts, Chief, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4310 ROB-3), Washington, DC 20202, 202 245-2475

RIN: 1840-AA96

438. ● PELL GRANT PROGRAM

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, 202 472-4300

RIN: 1840-AA97

439. ● STATE STUDENT INCENTIVE GRANT PROGRAM

Legal Authority: 20 USC 1070c to 1070c - 3

CFR Citation: 34 CFR 692

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson, Chief, State Student Incentive Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland

ED—OPE

Proposed Rule Stage

Ave., (Rm. 4018, ROB-3), Washington, DC 20202, 202 245-9720

RIN: 1840-AA59

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440. ● TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

Legal Authority: 20 USC 1144a

CFR Citation: 34 CFR 696

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, Office of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4060 ROB-3), Washington, DC 20202, 202 732-3551

RIN: 1840-AA74

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

441. INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED, AND THE COLLEGE HOUSING PROGRAM

Significance: Regulatory Program

Legal Authority: 20 USC 1088; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600

Legal Deadline: None.

Abstract: These regulations establish procedures the Secretary would use to determine the eligibility of institutions and schools of postsecondary education that apply to participate in any of the programs authorized by the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/21/86	51 FR 37366
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Joan E. Duval, Acting Director, Div. of Eligibility and Agency Evaluation, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW (Rm. 3030, ROB-3), Washington, DC 20202, 202 732-4906

RIN: 1840-AA32

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442. ● ENDOWMENT CHALLENGE GRANT PROGRAM

Legal Authority: 20 USC 1065a

CFR Citation: 34 CFR 628

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Caroline J. Gillin, Director, Division of Institutional Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3042 ROB-3), Washington, DC 20202, 202 732-3338

RIN: 1840-AA81

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443. ● MINORITY SCIENCE IMPROVEMENT PROGRAM

Legal Authority: 20 USC 1021 et seq

CFR Citation: 34 CFR 637

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith, Director, Division of Higher Ed. Incentive Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, 202 732-4389

RIN: 1840-AA89

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444. ● LAW SCHOOL CLINICAL EXPERIENCE PROGRAM

Legal Authority: 20 USC 1134s to 1134t

CFR Citation: 34 CFR 639

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Charles H. Miller, Senior Education Program Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, 202 245-9720

RIN: 1840-AA88

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445. ● UPWARD BOUND PROGRAM

Legal Authority: 20 USC 1070d to 1070d - 1a

CFR Citation: 34 CFR 645

Legal Deadline: None.

Abstract: These regulations implement technical amendments to the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of

Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA84

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446. ● STUDENT SUPPORT SERVICES

Legal Authority: 20 USC 1070 to 1070d - 1b

CFR Citation: 34 CFR 646

Legal Deadline: None.

Abstract: These regulations implement technical amendments to the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA82

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447. ● PATRICIA ROBERTS HARRIS FELLOWS PROGRAM

Legal Authority: 20 USC 1134d to 1134f

CFR Citation: 34 CFR 649

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith, Director, Division of Higher Ed. Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, 202 732-4389

RIN: 1840-AA86

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448. ● UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

Legal Authority: PL 99-498

CFR Citation: 34 CFR 658

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, (Rm. 3054 - ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA80

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449. ● INTERNATIONAL RESEARCH AND STUDIES PROGRAM

Legal Authority: 20 USC 1125

CFR Citation: 34 CFR 660

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA83

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450. ● BUSINESS AND INTERNATIONAL EDUCATION PROGRAM

Legal Authority: 20 USC 1130 to 1130b

CFR Citation: 34 CFR 661

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA85

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451. STUDENT ASSISTANCE GENERAL PROVISIONS – SUBPARTS A, B, D, F, G

Significance: Regulatory Program

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1097; 20 USC 1141(a)

CFR Citation: 34 CFR 668

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48494
NPRM Comment Period End	02/11/85	
Final Action	05/00/87	

Small Entity: No

Additional Information: FINAL ACTION: (Subpart A) 11/19/86 51 FR 41920; FINAL ACTION: (Subparts D, F, & G) 12/01/86 51 FR 43320

Agency Contact: Fred Sellers, Pell Grant Policy Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318, ROB-3, Washington, DC 20202, 202 472-4300

RIN: 1840-AA11

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452. ● STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART H

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None.

ED—OPE

Final Rule Stage

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, 202 472-4300

RIN: 1840-AA92

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453. PERKINS LOAN PROGRAM (FORMERLY THE NATIONAL DIRECT STUDENT LOAN PROGRAM) SUBPART C - DUE DILIGENCE

Significance: Regulatory Program

Legal Authority: 20 USC 1087aa to 1087ii

CFR Citation: 34 CFR 674

Legal Deadline: None.

Abstract: These amendments to Subpart C of the regulations provide strict standards in procedures for the collection of student loans under the Perkins Loan Program and will help reduce the number of defaulted loans under that program.

Timetable:

Action	Date	FR Cite
NPRM	02/26/85	50 FR 7872
NPRM Comment Period End	04/12/85	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-Based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, Room 4018, ROB-3, Washington, DC 20202, 202 245-9720

RIN: 1840-AA02

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454. PERKINS LOAN PROGRAM, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS (CAMPUS-BASED PROGRAMS)

Legal Authority: 20 USC 1087aa to 1087ii; 42 USC 2751 to 2756b; 20 USC 1070b to 1070b-3

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None.

Abstract: See Preamble. RIN 1840-AA02 is now a separate regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 8050
NPRM Comment Period End	04/29/85	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Room 4018, ROB-3, Washington, DC 20202, 202 245-9720

RIN: 1840-AA03

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Completed Actions

455. CARL D. PERKINS SCHOLARSHIP PROGRAM

CFR Citation: 34 CFR 653

Completed:

Reason	Date	FR Cite
Final Action	10/06/86	51 FR 35582
Final Action Effective	11/18/86	

Small Entity: No

Agency Contact: Neil C. Nelson 202 472-4265

RIN: 1840-AA35

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456. NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn This regulation has been retitled (see RIN 1810-AA35)	01/21/87	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz 202 245-2787

RIN: 1840-AA36

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457. COLLEGE HOUSING PROGRAM; FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF HIGHER ED. FACILITIES; LOAN MANAGEMENT

CFR Citation: 34 CFR 614; 34 CFR 615; 34 CFR 617

Completed:

Reason	Date	FR Cite
Withdrawn	01/21/87	

Small Entity: Undetermined

Agency Contact: Samuel J. Weaver 202 472-9300

RIN: 1840-AA30

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458. STUDENT ASSISTANCE GENERAL PROVISIONS -- QC/QA SYSTEM

Significance: Regulatory Program

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43332
Final Action Effective	01/29/87	

Small Entity: No

Agency Contact: Fred Sellers 202 472-4300

RIN: 1840-AA39

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459. GUARANTEED STUDENT LOAN/PLUS PROGRAMS

Significance: Regulatory Program

CFR Citation: 34 CFR 682; 34 CFR 683

ED—OPE

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	10/10/86	51 FR 40886
Final Action Effective	11/24/86	

Small Entity: No

Agency Contact: Carol Roberts 202 245-2475

RIN: 1840-AA04

460. PELL GRANT PROGRAM - CALCULATION PROCEDURES

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Withdrawn	01/21/87	

Small Entity: Undetermined

Agency Contact: Mike High 202 472-4300

RIN: 1840-AA51

461. PELL GRANT PROGRAM -- ADS AMENDMENTS

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	11/28/86	51 FR 43160
Final Action Effective	01/29/87	

Small Entity: Undetermined

Agency Contact: Mike High 202 472-4300

RIN: 1840-AA52

462. STATE STUDENT INCENTIVE GRANT PROGRAM

CFR Citation: 34 CFR 692

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43310
Final Action Effective	01/29/87	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson 202 472-4265

RIN: 1840-AA53

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

463. ● ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1401; 20 USC 1412; 20 USC 1413

CFR Citation: 34 CFR 300

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Jeffrey Champagne, Branch Chief, Program Administrative Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3613 - Switzer Bldg), Washington, DC 20202, 202 732-1056

RIN: 1820-AA71

464. ● PRESCHOOL GRANTS FOR HANDICAPPED CHILDREN'S PROGRAM

Legal Authority: 20 USC 1419

CFR Citation: 34 CFR 301

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Nancy Treusch, Educational Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, Switzer Bldg. (Rm. 4094), Washington, DC 20202, 202 732-1097

RIN: 1820-AA48

465. ● GRANTS FOR INFANTS AND FAMILIES

Legal Authority: 20 USC 1471 to 1485

CFR Citation: 34 CFR 303

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas B. Irvin, Educational Program Specialist, Division of Policy, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3092 - Switzer Bldg.), Washington, DC 20202, 202 732-1012

RIN: 1820-AA49

466. ● REMOVAL OF ARCHITECTURAL BARRIERS TO THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1406

CFR Citation: 34 CFR 304

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Jeffrey Champagne, Branch Chief, Program Administrative Branch, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW (Rm. 3613 - Switzer Bldg.), Washington, DC 20202, 202 732-7056

RIN: 1820-AA51

467. ● SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH PROGRAM

Legal Authority: 20 USC 1422

CFR Citation: 34 CFR 307

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas R. Behrens, Division Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, 202 732-1165

RIN: 1820-AA53

468. ● HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

Legal Authority: 20 USC 1424

CFR Citation: 34 CFR 309

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Ruth Ward, Educational Program Specialist, Division Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, 202 732-1045

RIN: 1820-AA54

469. ● PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN

Legal Authority: 20 USC 1424

CFR Citation: 34 CFR 315

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Thomas R. Behrens, Division Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, 202 732-1154

RIN: 1820-AA55

470. ● TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - PARENT TRAINING AND INFORMATION CENTERS; SPECIAL PROJECTS; AND GENERAL

Legal Authority: 20 USC 1431; 20 USC 1434

CFR Citation: 34 CFR 316; 34 CFR 317; 34 CFR 318

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Norman Howe, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg), Washington, DC 20202, 202 732-1068

RIN: 1820-AA68

471. ● TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - GRANTS TO STATE EDUCATIONAL AGENCIES FOR TRAINEESHIPS

Legal Authority: 20 USC 1431; 20 USC 1432; 20 USC 1434

CFR Citation: 34 CFR 319

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Norman Howe, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg), Washington, DC 20202, 202 732-1068

RIN: 1820-AA56

472. ● CLEARINGHOUSES FOR THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1433

CFR Citation: 34 CFR 320

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Helen S. Corradino, Educational Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer

Bldg.), Washington, DC 20202, 202 732-1167

RIN: 1820-AA58

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473. ● TRAINING PROGRAMS FOR TEACHERS OF HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

Legal Authority: 20 USC 1119b to 1119b-5

CFR Citation: 34 CFR 322

Legal Deadline: None.

Abstract: See preamble.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Norman Howe, Acting Division Director, Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Ed. and Rehab. Services, 400 Md. Ave., SW (Rm. 3511-Switzer Bldg.), Washington, DC 20202, 202 732-1068

RIN: 1820-AA75

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474. ● CAPTIONED FILMS LOAN SERVICE FOR THE DEAF PROGRAM AND EDUCATIONAL MEDIA LOAN SERVICE FOR THE HANDICAPPED PROGRAM

Legal Authority: PL 99-457

CFR Citation: 34 CFR 330; 34 CFR 331

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Malcolm J. Norwood, Branch Chief, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, 202 732-1172

RIN: 1820-AA61

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475. ● TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR THE HANDICAPPED

Legal Authority: 20 USC 1461 to 1462

CFR Citation: 34 CFR 333

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg.), Washington, DC 20202, 202 732-1099

RIN: 1820-AA63

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476. ● NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH - AMENDMENTS

Legal Authority: 29 USC 760 to 762

CFR Citation: 34 CFR 350; 34 CFR 351; 34 CFR 352; 34 CFR 353; 34 CFR 354; 34 CFR 355; 34 CFR 356; 34 CFR 357; 34 CFR 358; 34 CFR 359

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Rehabilitation Amendments of 1986, PL 99-506.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetefmined

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW (Rm. 3070 - Switzer Bldg.), Washington, DC 20202, 202 732-1139

RIN: 1820-AA65

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477. ● HANDICAPPED RESEARCH: RESEARCH FELLOWSHIP AND RESEARCH TRAINING AND CAREER DEVELOPMENT

Legal Authority: 29 USC 760 to 762

CFR Citation: 34 CFR 356; 34 CFR 360

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Rehabilitation Amendments of 1986, PL 99-506.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3070 - Switzer Bldg.), Washington, DC 20202, 202 732-1139

RIN: 1820-AA66

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478. ● THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA40

479. ● THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - ADDITIONAL AMENDMENTS

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: These regulations would provide certain amendments to existing regulations for program improvement.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA46

480. ● THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA47

481. ● REHABILITATION SERVICES ADMINISTRATION GENERAL REGULATORY REVIEW

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390; 34 CFR 395

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA45

482. ● THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

Legal Authority: 29 USC 777(a)(1)

CFR Citation: 34 CFR 363

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA44

483. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 365

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Francis Corrigan, Deputy Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, (Rm. 3030, Switzer Building), Washington, DC 20202, 202 732-1287

RIN: 1820-AA37

484. ● INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS

Legal Authority: PL 99-506

CFR Citation: 34 CFR 367

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA41

485. ● PROJECTS FOR AMERICAN INDIANS WITH HANDICAPS AND LONG-TERM TRAINING

Legal Authority: 29 USC 711(c); 29 USC 750; 29 USC 774

CFR Citation: 34 CFR 371; 34 CFR 386

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

ED—OSERS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA43

486. ● VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS WITH SEVERE HANDICAPS/SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING SUPPORTED EMPLOYMENT SERV. TO INDIV. WITH SEVERE HANDICAPS

Legal Authority: 20 USC 777(a)(1)

CFR Citation: 34 CFR 373; 34 CFR 380

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, Room 3220, Switzer Bldg., Washington, DC 20202, 202 732-1299

RIN: 1820-AA76

487. ● SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING TRANSITIONAL REHABILITATION SERVICES TO YOUTHS WITH HANDICAPS

Legal Authority: PL 99-506

CFR Citation: 34 CFR 376

Legal Deadline: None.

Abstract: These regulations would implement the changes to the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA74

DEPARTMENT OF EDUCATION (ED) **Final Rule Stage**

Office of Special Education and Rehabilitative Services (OSERS)

488. ● REGIONAL RESOURCE AND FEDERAL CENTERS PROGRAM

Legal Authority: 20 USC 1421

CFR Citation: 34 CFR 305

Legal Deadline: None.

Abstract: These regulations needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Etta Waugh, Branch Chief, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, 202 732-1052

RIN: 1820-AA52

489. ● RESEARCH IN EDUCATION OF THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1441; 20 USC 1442

CFR Citation: 34 CFR 324

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg), Washington, DC 20202, 202 732-1099

RIN: 1820-AA69

490. ● SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH PROGRAM

Legal Authority: 20 USC 1425

CFR Citation: 34 CFR 326

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: William Halloran, Acting Branch Chief, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 4094 - Switzer Bldg.), Washington, DC 20202, 202 732-1112

RIN: 1820-AA59

ED—OSERS

Final Rule Stage

491. ● HANDICAPPED SPECIAL STUDIES PROGRAM

Legal Authority: 20 USC 1418

CFR Citation: 34 CFR 327

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg), Washington, DC 20202, 202 732-1099

RIN: 1820-AA72

492. ● EDUCATIONAL MEDIA RESEARCH, PRODUCTION, DISTRIBUTION, AND TRAINING

Legal Authority: 20 USC 1452

CFR Citation: 34 CFR 332

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Malcolm J. Norwood, Branch Chief, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg), Washington, DC 20202, 202 732-1172

RIN: 1820-AA73

493. ● MISCELLANEOUS TECHNICAL AMENDMENTS TO THE REHABILITATION SERVICES REGULATIONS

Legal Authority: 29 USC 711(c); 29 USC 796(e); 29 USC 732; 29 USC 750; 29 USC 775; 29 USC 777(a)(1) to 777(a)(3)

CFR Citation: 34 CFR 365; 34 CFR 366; 34 CFR 369; 34 CFR 370; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA39

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

494. ●POSTSECONDARY EDUCATION PROGRAMS FOR HANDICAPPED PERSONS

CFR Citation: 34 CFR 338

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 6142

Small Entity: Undetermined

Agency Contact: Joseph Rosenstein 202 732-1176

RIN: 1820-AA64

495. ●SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING TRANSITIONAL REHABILITATION SERVICES TO YOUTHS WITH HANDICAPS

CFR Citation: 34 CFR 376

Completed:

Reason	Date	FR Cite
Withdrawn	03/02/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo 202 732-1299

RIN: 1820-AA42

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

496. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES – LIST OF PROGRAMS

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None.

Abstract: This regulatory action would propose those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79. The public will be given an opportunity to comment on the listing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of

Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW, Room 3021, FOB-6, Washington, DC 20202, 202 472-5123

RIN: 1860-AA00

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Miscellaneous Department of Education (EDMIS)

497. INVENTIONS AND PATENTS – GENERAL

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 6

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Richard Galloway, Chief, Acquisition Policy Branch, Department of Education, Miscellaneous Department of Education, Departmental Management, 400 Maryland Ave., SW, (Rm. 3519, ROB-3), Washington, D.C. 20202, 202 732-2525

RIN: 1801-AA04

498. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None.

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect recent amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Peter Wathen-Dunn, General Attorney, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Ave., SW, Room 4087, Washington, DC 20202, 202 732-2690

RIN: 1801-AA01

499. DUE PROCESS REGULATIONS

Legal Authority: 20 USC 1234; 20 USC 3872; 20 USC 1411 to 1420

CFR Citation: 34 CFR 78; 34 CFR 204; 34 CFR 300

Legal Deadline: None.

Abstract: The Department plans to revise and consolidate due process regulations governing notice and hearings.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Barry Stevens, Counsel to the Inspector General, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Avenue, SW, Room 4121, FOB-6, Washington, DC 20202, 202 732-2730

RIN: 1801-AA02

[FR Doc. 87-6604 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1987 regulatory agenda.

SUMMARY: In furtherance of this Administration's commitment to make government more responsive to the citizens of the United States and to assist in fulfilling the President's mandate to lessen regulatory burdens, the Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE either expects to undertake through March 1988 or has completed since October 1986. This agenda provides the Administration with an effective tool for monitoring and controlling the promulgation of regulations. It includes (1) all rules expected to be issued as proposed or final rules before April 1988, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules for which regulatory action has been completed since the October 1986 Regulatory Agenda. In addition, the agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The agenda may not include all routine regulations or those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: Robert E. Morey, Department of Energy, Room 6B-144, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12291, 46 FR 13193 (February 19, 1981), requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. Under the Executive Order, the Office of Management and Budget (OMB) sets forth standards and procedures for the preparation of these agendas.

There are important reasons for preparing this agenda. It is vital in this Administration's efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. This Administration has made considerable progress in these efforts.

For fiscal year 1987, the Department is committed to a target of at least a 5 percent reduction in the paperwork burden imposed by its information collections on the public. This goal again excludes the paperwork reduction effort of the Federal Energy Regulatory Commission, which is conducted independently by the Commission. However, it does include the ongoing efforts of the Energy Information Administration to reduce the burden of its energy information and statistical collections on the public. As in previous fiscal years, special attention will continue to be given to the paperwork burden of the Department's information collections imposed on its management and operating contractors, offsite contractors and grant recipients inasmuch as this is the largest element of the Department's overall paperwork burden load on the public.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602. The regulatory flexibility agenda must contain: (1) A brief description of the subject area and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities;" (2) the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable about each rule.

Appended to this notice is DOE's April 1987 Regulatory Agenda, reflecting the status of rules listed as of approximately February 15, 1987. Incorporated in this agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

The April 1987 Regulatory Agenda has been prepared in accordance with OMB Bulletin 87-6. Regulatory activities have been divided among categories according to their next stage: prerulemaking action, proposed rule, final rule, or completed action.

Regulations designated as "significant" are those which are also included in the Regulatory Program of the United States Government, prepared pursuant to Executive Order 12498, 50 FR 1036 (January 8, 1985). Significant regulations also include those which, while not of Government-wide interest or importance, nevertheless are priorities of the individual agencies.

Each item will contain the following information: (1) DOE office or administration (that is, the DOE organizational unit responsible for the regulation); (2) RIN number (that is, the Regulation Identifier Number assigned by OMB/OIRA); (3) title; (4) significance (that is, if the regulation also is included in the Regulatory Program or, if not, is a DOE priority regulation); (5) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (6) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (7) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (8) legal authority (that is, a citation to the section of the United States Code (USC), Public Law (PL) or the Executive Order (EO) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and at least the next stage of the rulemaking). In addition, each item regarding completed actions (that is,

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regulations completed or withdrawn and reviews completed since the preceding agenda) states the date and citation, if appropriate.

On February 25, 1987, a draft of the agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirements of 5 U.S.C. 602(b).

DOE's next agenda will be published in October 1987.

Issued in Washington, DC on March 6, 1987.

J. Michael Farrell,
General Counsel.

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
500	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
501	Energy Conservation Performance Standards for New Buildings; Subpart A-Voluntary Performance Standards for New Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
502	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
503	Energy-Efficiency Standards for Major Household Appliances	1904-AA28
504	State Energy Conservation Program (SECP) – Use of Oil Overcharge Funds for Building Energy Conservation Materials and Equipment	1904-AA30
505	Amendments to the Residential Conservation Service and the Commercial and Apartment Conservation Service	1904-AA31

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
506	Energy Efficiency Test Procedures for Central Air Conditioners	1904-AA23
507	Energy Conservation Performance Standards for New Buildings; Subpart C-Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
508	Energy Efficiency Test Procedures – Waiver	1904-AA22

Defense Programs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
509	Criteria and Procedures for Determining Eligibility for Designated Human Reliability Program Critical Positions	1992-AA11

Defense Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
510	Restrictions on Aircraft Landing and Air Delivery at Department of Energy Nuclear Sites	1992-AA12

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Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
511	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07
512	Annotation of Land Records and Documentation of Property Owner Refusals to Participate in the Uranium Mill Tailings Remedial Action Program	1901-AA12
513	Model Federal Policy for Protection of Human Research Subjects	1901-AA13
514	Permits for Access to Restricted Data in the Uranium Enrichment Program	1901-AA14

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
515	Basis of Fees for Disposal of U.S. Department of Energy Defense High-Level Wastes	1901-AA06
516	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste; Amendments	1901-AA11

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
517	Reports of Major Electric Utility System Emergencies; Revisions	1901-AA10

Economic Regulatory Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
518	Proposed Rule Establishing New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1903-AA07

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
519	Financial Assistance Regulations; Cooperative Agreements	1991-AA03
520	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
521	Department of Energy Acquisition Regulation; Management and Operating Contractor Purchasing Systems	1991-AA25
522	Department of Energy Property Management Regulation; Official Use of Motor Vehicles	1991-AA28
523	Department of Energy Acquisition Regulation; Miscellaneous Changes on Acquisition of Personal Property	1991-AA32
524	Department of Energy Financial Assistance Rules; Property Provisions	1991-AA34
525	Department of Energy Financial Assistance Rules; Restriction of Eligibility	1991-AA35

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
526	Department of Energy Acquisition Regulation; Miscellaneous Changes to Conform to Federal Acquisition Regulation Changes and Revised Internal Procedures	1991-AA33

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Management and Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
527	Department of Energy Acquisition Regulation; Use of Contract Carriers by Cost Reimbursable Contractors	1991-AA37

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
528	Department of Energy Financial Assistance Rules; Research Grant Administration	1991-AA21
529	Department of Energy Acquisition Regulation; Protest Procedures	1991-AA26
530	Department of Energy Acquisition Regulation (DEAR); Unallowable Costs -- Management and Operating Contracts	1991-AA36
531	Department of Energy Acquisition Regulation; Travel Expense Limitations - Management and Operating Contractors	1991-AA38

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
532	Amendments to Department of Energy Conduct of Employees	1990-AA00
533	Patent Waiver Regulation	1990-AA02
534	Foreign Gifts and Decorations	1990-AA04
535	Clarification of the Term Byproduct Material	1990-AA05
536	Cooperation with the Inspector General	1990-AA06
537	Class Patent Waivers	1990-AA07

DEPARTMENT OF ENERGY (DOE) — Proposed Rule Stage

Conservation and Renewable Energy (CE)

500. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; PL 95-619, Sec 545; PL 99-509, Sec 3301; EO 11912; EO 12003; PL 99-509

CFR Citation: 10 CFR 436

Legal Deadline: None.

Abstract: Under the National Energy Conservation Policy Act, DOE has promulgated regulations establishing a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act required that the regulations provide for the use of marginal energy costs in the life cycle cost analyses. DOE sought legislative revisions to authorize use of average energy costs rather than marginal costs. Appropriate legislative relief came with the Omnibus Budget Reconciliation Act of 1986. The Current rulemaking would incorporate a method for determining average energy costs into the life cycle costing analyses.

Timetable:

Action	Date	FR Cite
NPRM	10/23/87	
NPRM Comment Period End	11/27/87	

Small Entity: No

Agency Contact: K. Dean DeVine, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6784

RIN: 1904-AA06

501. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A-VOLUNTARY PERFORMANCE STANDARDS FOR NEW COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

BEST COPY AVAILABLE

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	07/15/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9445

RIN: 1904-AA08

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502. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. In February 1984, DOE proposed to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A.O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984 NPRM, the Department is preparing a new NPRM. This NPRM will propose a single test procedure to cover gas, oil and electric water heaters as well as heat pump water heaters. In addition to the A. O. Smith matter, the rulemaking would eliminate the need for the test procedure waivers granted Bock Corp., Ford Products and Lockinvar Corp. for their high mass oil-fired water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM	03/00/87	

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA12

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503. ENERGY-EFFICIENCY STANDARDS FOR MAJOR HOUSEHOLD APPLIANCES

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Statutory. The NAECA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The Statute requires completion of a second reanalysis of all then-extant standards in a period from 7/1/94 to 12/31/2006. Also statutory deadlines for a proposal on standards for (cont)

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA) was enacted March 17, 1987. The NAECA extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances and generally requires the Department to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; and kitchen ranges and ovens. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law.

In prescribing any amended standards, the Department may not increase the maximum allowable energy use or decrease the minimum required energy efficiency of a covered product, although (cont)

Timetable:

Review of Standards, Refrigerators, and Related Products
- NPRM 07/01/88
- Final Action 07/01/89
- ANPRM 00/00/00

Set Initial Standard Level, Small Gas Furnaces
- Final Action 01/01/89
- ANPRM 00/00/00
- NRPM 00/00/00

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: the Department may determine that the standards should remain the same. The NAECA essentially retains the requirements of pre-existing law regarding the Department's evaluation of the technological feasibility and economic justification of standards. The NAECA creates a rebuttable presumption that proposed standard levels are economically justified if the Department finds the additional first cost to the consumer will be paid back from operating savings in three years or less.

LEGAL DEADLINE CONT: refrigerators and related products (7/1/88) and establishment of the small gas furnace standards level (1/1/89).

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA28

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504. ● STATE ENERGY CONSERVATION PROGRAM (SECP) -- USE OF OIL OVERCHARGE FUNDS FOR BUILDING ENERGY CONSERVATION MATERIALS AND EQUIPMENT

Legal Authority: 42 USC 6321 to 6327

CFR Citation: 10 CFR 420, (Revision)

Legal Deadline: None.

Abstract: The Department of Energy (DOE) is proposing to ease some of the provisions regarding prohibited expenditures under the State Energy Conservation Program (SECP). DOE proposes to modify the prohibition on the use of SECP funds to purchase or install equipment or materials for building retrofit measures and to clarify certain other provisions in the existing rules. In doing so, DOE is attempting to resolve some issues which have been expressed as concerns of many states for several years. In addition, a U.S. District Court ordered DOE to consider a rulemaking on this subject. The major impact of the rule change would be to allow states greater discretion in spending oil overcharge monies on capital equipment benefiting their citizens.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Nancy Tate, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, Energy Management and Extension, Office of State and Local Assistance, Washington, DC 20585, 202 586-8295

RIN: 1904-AA30

505. ● AMENDMENTS TO THE RESIDENTIAL CONSERVATION SERVICE AND THE COMMERCIAL AND APARTMENT CONSERVATION SERVICE

Significance: Regulatory Program

Legal Authority: 42 USC 8211 et seq; 42 USC 8281 et seq; PL 99-412 Conservation Service Reform Act of 1986

CFR Citation: 10 CFR 456, (Revision); 10 CFR 458, (Deletion)

Legal Deadline: Statutory, August 28, 1986. Rules promulgated under section 212 of the National Energy Conservation Policy Act must be amended within the one hundred and eighty day period after the August 28, 1986, enactment of the Conservation Service Reform Act.

Abstract: The Conservation Service Reform Act of 1986 (Act) Requires changes to the Residential Conservation Service (RCS) and repeals the Commercial and Apartment Conservation Service (CACS) except for CACS plans approved before August 1, 1984. RCS and CACS required large electric and natural gas utilities to perform energy audits of their eligible customers upon request, and to provide other services. Required changes in the RCS program include deletion of some required services, program termination on June 30, 1989, provisions for alternative State plans, and for utilities to obtain waiver of plan requirements. Except for alternative State plans, these changes were made in a notice of interim final rulemaking because the rule reflects non-discretionary requirements which are explicitly set forth in the Act. Procedures for processing complaints about adequacy of implementation of alternative State plans, and for annual reports on any CACS State plan excepted from the general repeal of CACS involve discretion and were published in a notice of proposed rulemaking. Consistent with departmental policy, these procedures are designed to minimize the expense or other burdens of (CONT)

Timetable:

Action	Date	FR Cite
NPRM	02/24/87	
Interim Final Rule	02/24/87	
Public Hearing	04/20/87	
NPRM Comment Period End	05/05/87	
Final Action	09/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: complying.

Agency Contact: Harry L. Lane, Supervisory Energy Conservation Specialist, Department of Energy, Conservation and Renewable Energy, Residential and Commercial Conservation, Office of State and Local Assistance, Washington, DC 20585, 202 586-1893

RIN: 1904-AA31

DEPARTMENT OF ENERGY (DOE) Final Rule Stage

Conservation and Renewable Energy (CE)

506. ENERGY EFFICIENCY TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for water-source heat pumps and multi-evaporator heat pumps; to eliminate the test procedure waivers granted to Borg-Warner Central Environmental Systems and United Technologies, Carrier Corporation for their variable speed heat pumps; and to incorporate, by reference, three industry standards, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 116-83, the Air-Conditioning and Refrigeration Institute (ARI) Standard 210/240-84 and Air-Conditioning and Refrigeration Institute Standard 325-85, into the test procedures.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	04/02/85	50 FR 13042
NPRM	10/07/86	51 FR 35736
Extension of Comment Period	11/07/86	51 FR 40442
NPRM Comment Period End	01/30/87	51 FR 40442
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Additional Information: A Notice of Inquiry was published in the Federal Register on April 2, 1985 to request comments on a rating procedure to determine the energy performance of a central air conditioner combination (condensing unit and indoor coil) without conducting the full laboratory procedure prescribed by the DOE test procedures. DOE proposed such a rating method in the proposed rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA23

507. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C-MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

DOE—CE

Final Rule Stage

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
Extension of Comment Period	11/18/86	51 FR 222
NPRM Comment Period End	01/16/87	51 FR 222
Interim Final Rule	07/00/87	

Small Entity: No

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-9445

RIN: 1904-AA27

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Completed Actions

508. ENERGY EFFICIENCY TEST PROCEDURES – WAIVER

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.27

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The Department can temporarily waive test procedure requirements for a particular covered product when characteristics of that product prevent use of the prescribed test procedures or lead to results of the test procedures that provide materially inaccurate comparative data. The purpose of this rulemaking is to streamline the waiver process.

Timetable:

Action	Date	FR Cite
NPRM	04/16/86	51 FR 12861
NPRM Comment Period End	06/16/86	51 FR 12861
Final Action	11/26/86	51 FR 42823
Final Action Effective	12/29/86	51 FR 42823

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA22

DEPARTMENT OF ENERGY (DOE)

Defense Programs (DP)

Prerule Stage

509. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR DESIGNATED HUMAN RELIABILITY PROGRAM CRITICAL POSITIONS

Significance: Agency Priority

Legal Authority: 42 USC 2014aa Atomic Energy Act of 1954, Sec. 11aa; 42 USC 2201 Atomic Energy Act of 1954, Sec. 161

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Department of Energy, because of its mission involving nuclear weapons and special nuclear materials, requires a reliable and drug-free work-force. At present, thousands of people within the DOE-contractor work-force are in daily close proximity to nuclear weapons, weapons components, or special nuclear material without the benefit of a human reliability program (HRP). This action would develop an integrated screening and evaluation process for making suitability determinations for individuals applying for or currently holding jobs identified as HRP positions.

Timetable:

Action	Date	FR Cite
Position Papers Establishing Nexus	03/00/87	
Statement of Policy	03/00/87	
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Interim Final Rule	10/00/87	
Final Action	11/00/87	

Small Entity: No

Additional Information: Current policy changes to proposed HRP operating procedures may negate the need for a public rule. A decision on this will be forthcoming following a formal statement of policy.

Agency Contact: Martin Hershkowitz, Coordinator for Human Reliability Programs, Department of Energy, Defense Programs, Office of Safeguards & Security, DP-343.1, Washington, DC 20585, 301 353-5671

RIN: 1992-AA11

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Final Rule Stage

510. RESTRICTIONS ON AIRCRAFT LANDING AND AIR DELIVERY AT DEPARTMENT OF ENERGY NUCLEAR SITES

Significance: Agency Priority

Legal Authority: 42 USC 2201; 42 USC 2278.a

CFR Citation: 10 CFR 862

Legal Deadline: None.

Abstract: Regulation would enhance security at DOE nuclear sites by restricting unofficial aircraft landing and unofficial air delivery of persons or cargo. Exceptions are granted for emergencies with prior notification to DOE if possible. Impact on public would be minimal since activities restricted by regulations are not condoned by DOE currently.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35518
NPRM Comment Period End	11/20/86	
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: John Hnatio, Security Specialist, Office of Safeguards and Security, Department of Energy, Defense Programs, Room E-335, Germantown, MD 20545, 301 353-2478

RIN: 1992-AA12

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

511. PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None.

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre and post award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Robert Zich, Director, Acquisition and Assistance, Management Division, Department of Energy, Departmental and Others, (ER64), Washington, DC 20545, 301 353-5544

RIN: 1901-AA07

512. ● ANNOTATION OF LAND RECORDS AND DOCUMENTATION OF PROPERTY OWNER REFUSALS TO PARTICIPATE IN THE URANIUM MILL TAILINGS REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: Not yet determined

Legal Deadline: Statutory, March 31, 1990. DOE will propose to extend UMTRA authorization period to 9/30/93.

Abstract: PL 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place. The Department will begin rulemaking proceedings during FY 1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James A. Turi, Director, Uranium Mill Tailings Project Division, NE-22, Department of Energy, Departmental and Others, Washington, DC 20545, 301 353-2585

RIN: 1901-AA12

513. ● MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745, (Revision)

Legal Deadline: None.

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of DHHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the DHHS policies.

Timetable:

Action	Date	FR Cite
Proposed Model Policy for Protection of Human Subjects	06/03/86	51 FR 106
NPRM	12/00/87	

Small Entity: No

Agency Contact: Susan L. Rose, Health Scientist, Department of Energy, Departmental and Others, Office of Energy Research, Human Health and Assessments Division, Washington, DC 20545, 301 353-4731

RIN: 1901-AA13

514. ● PERMITS FOR ACCESS TO RESTRICTED DATA IN THE URANIUM ENRICHMENT PROGRAM

Legal Authority: 42 USC 2201(v), Sec 161(v) Atomic Energy Act

CFR Citation: 10 CFR 725

Legal Deadline: None.

Abstract: There is a need to update existing regulations which permit private access to restricted data involving the gas centrifuge uranium

enrichment process. This rulemaking would authorize access to certain restricted data by persons interested in acquiring centrifuge machines and related equipment and materials for commercial purposes not involving uranium enrichment. Such machines and equipment have been made surplus to DOE's needs as a result of DOE's cancellation of its Gas Centrifuge Enrichment Plant and advanced Gas Centrifuge Development Program in June 1985.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Hearing	06/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Larry Leiken, Attorney, Office of General Counsel, Department of Energy, Departmental and Others, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-6975

RIN: 1901-AA14

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

515. BASIS OF FEES FOR DISPOSAL OF U.S. DEPARTMENT OF ENERGY DEFENSE HIGH-LEVEL WASTES

Legal Authority: PL 97-425, Sec 302; PL 97-425, Sec 8

CFR Citation: 10 CFR 961

Legal Deadline: None.

Abstract: The purpose of this action is to develop a basis for total fees to be paid by DOE Defense Programs into the Nuclear Waste Fund for the disposal of defense high-level waste in repositories to be constructed pursuant to the Nuclear Waste Policy Act of 1982. The Department will consider several options relating to the determination of total charges. Fee schedules will be established via the budgetary process.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	12/02/86	51 FR 43566
Final Action	09/00/87	

Small Entity: No

Additional Information: The Department has eliminated the entry for this rulemaking, believing that the better method for seeking public comment on the fee-setting methodology was the nonregulatory Notice of Inquiry. The methodology will not have a binding, regulatory effect on any member of the public. The methodology is intended to be used to support budget requests from Congress, which may choose to provide appropriations based on its own methodology or other basis. Public comment was due by February 2, 1987, and will be considered in establishing the methodology.

Government Levels Affected: Federal

Agency Contact: Ronald Milner, Director, Analytical Services & Financial Management, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste Mgmt., (RW-12), Washington, DC 20585, 202 586-9173

RIN: 1901-AA06

516. STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE; AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 10222

CFR Citation: 10 CFR 961, (Revision)

Legal Deadline: None.

Abstract: On April 18, 1983, the Department of Energy (DOE) published a rule which established the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (standard disposal contract) to be used by the DOE in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high-level radioactive waste [48 FR 16590]. On December 6, 1985, the U.S. Court of Appeals for the District of Columbia Circuit ruled that the ongoing 1.0 mill per kilowatt hour (1M/KWH) fee in DOE's standard disposal contract should be based on net generation of electricity rather than gross generation of electricity as adopted in the final rule (Wisconsin Electric Power Co. et al. v. Hodel, Nos. 83-1066 and 84-8571). This notice publishes for comment amendments to Article I.13, Article VIII.A1 and B.1, and Appendix G of the standard disposal contract to be consistent with the court's ruling. This amendment is expected to reduce revenues from the ongoing fee by about 3 to 5 percent.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40684
NPRM Comment Period End	12/08/86	51 FR 40684
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Alan Brownstein, Utility Contracts Manager, Department of Energy, Departmental and Others, Forrestal Building, GB-270, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-4973

RIN: 1901-AA11

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

517. REPORTS OF MAJOR ELECTRIC UTILITY SYSTEM EMERGENCIES; REVISIONS

Legal Authority: 16 USC 824a(a); 16 USC 825j; 42 USC 7151(b)

CFR Citation: 10 CFR 205.350 to 205.353

Legal Deadline: None.

Abstract: The proposed regulation revises the requirements for electric utilities to report major emergencies on electric power systems so that DOE can determine if any Federal actions are needed. There are no alternatives. Costs are minor. Benefit is that the reporting burden is reduced.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26399
NPRM Comment Period End	09/08/86	51 FR 26399
Final Action	10/31/86	51 FR 39743
Final Action Effective	12/01/86	51 FR 39743

Small Entity: No

Agency Contact: James M. Brown, Jr., Chief of Energy Data Analysis, Department of Energy, Departmental and Others, IE-242, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-5159

RIN: 1901-AA10

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Proposed Rule Stage

518. PROPOSED RULE ESTABLISHING NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None.

Abstract: The proposed rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The purpose of the proposed rule is to reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
Public Hearing	06/02/87	
NPRM Comment Period End	06/19/87	

Small Entity: No

Agency Contact: Constance L. Buckley, Director, Natural Gas Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9482

RIN: 1903-AA07

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Proposed Rule Stage

519. FINANCIAL ASSISTANCE REGULATIONS; COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600C

Legal Deadline: None.

Abstract: This revision would conform DOE rules on cooperative agreement award and administration with DOE and government-wide financial assistance policy (the latter contained in OMB circulars A-102 and A-110) and would reflect DOE experience under the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	07/00/87	
Final Action Effective	08/00/87	

Small Entity: No

Agency Contact: Cherlyn Seckinger, Business and Financial Policy Branch, Department of Energy, Management and Administration, MA-421.2, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991-AA03

520. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None.

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
Final Action	12/00/87	

Action	Date	FR Cite
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: Ellen L. Feinsilber, Chief, Procurement Policy Branch, Department of Energy, Management and Administration, MA-421.1, Washington, DC 20585, 202 586-8264

RIN: 1991-AA23

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521. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MANAGEMENT AND OPERATING CONTRACTOR PURCHASING SYSTEMS

Legal Authority: 42 USC 2011 et seq; 42 USC 7154

CFR Citation: 48 CFR 970

Legal Deadline: None.

Abstract: This action would update and consolidate in one place all provisions applicable to the subcontracting practices of DOE management and operating contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8247

RIN: 1991-AA25

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522. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATION; OFFICIAL USE OF MOTOR VEHICLES

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None.

Abstract: To update the Property Management Regulations regarding official use of motor vehicles. The rule would also make various other minor upgrading changes.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action	12/31/87	
Final Action Effective	01/31/88	

Small Entity: No

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991-AA28

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523. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES ON ACQUISITION OF PERSONAL PROPERTY

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 907; 48 CFR 944; 48 CFR 945; 48 CFR 951; 48 CFR 952

Legal Deadline: None.

Abstract: To provide additional policy guidance on the acquisition of personal property in the areas concerning acquisition plans, Government supply sources, consideration for subcontracts, Government property, and updating solicitation provisions and contract clauses.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action	12/31/87	
Final Action Effective	01/31/88	

Small Entity: No

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991-AA32

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524. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; PROPERTY PROVISIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.117

Legal Deadline: None.

Abstract: This revision would update and clarify the property provisions of the rule. The principal change would be to raise the dollar threshold for recipient recordkeeping and property accountability under the Department of Energy Financial Assistance Rules (FAR).

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: Cherlyn Seckinger, Procurement Analyst, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991-AA34

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525. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; RESTRICTION OF ELIGIBILITY

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.6; 10 CFR 600.7; 10 CFR 600.9; 10 CFR 600.14; 10 CFR 600.106

Legal Deadline: None.

Abstract: This regulatory revision of DOE Financial Assistance Rules (FAR) would establish more detailed documentation procedures and clarify the restricted eligibility requirements governing financial assistance awards on a non-competitive basis.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: James J. Cavanagh, Chief, Business & Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6173

RIN: 1991-AA35

DEPARTMENT OF ENERGY (DOE)

Management and Administration (MA)

Final Rule Stage

526. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES TO CONFORM TO FEDERAL ACQUISITION REGULATION CHANGES AND REVISED INTERNAL PROCEDURES

Legal Authority: 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 902; 48 CFR 904; 48 CFR 913; 48 CFR 915; 48 CFR 917; 48 CFR 919; 48 CFR 925; 48 CFR 952; 48 CFR 970

Legal Deadline: None.

Abstract: This action is for the purpose of updating the Acquisition Regulation as a result of changes in the Federal Acquisition Regulation and internal procedures. It discontinues the use of DOE Small Purchase Forms as GSA has issued forms for that purpose. It increases the threshold for formal source evaluation boards from $5 to $10 million. It adds a new solicitation provision entitled "Buy America Act - Construction Materials." It also provides new guidance on Small Business Subcontract Plans Under Management Contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34656
NPRM Comment Period End	11/27/86	50 FR 43589
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Ellen L. Feinsilber, Chief, Procurement Policy Branch, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8264

RIN: 1991-AA33

527. DEPARTMENT OF ENERGY ACQUISITION REGULATION; USE OF CONTRACT CARRIERS BY COST REIMBURSABLE CONTRACTORS

Legal Authority: PL 95-91

CFR Citation: 48 CFR 951

Legal Deadline: None.

Abstract: Amend Procurement Regulations (DEAR) in order to implement GSA Bulletin FPMR A-90 and FPMR Temporary Regulation 30. Use of Government contractor airlines, hotels/motels and car rental agencies by cost reimbursable contractor employees.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46884
NPRM Comment Period End	01/28/87	51 FR 46884
Final Action	04/30/87	
Final Action Effective	05/30/87	

Small Entity: No

Agency Contact: William Stevenson, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8193

RIN: 1991-AA37

DEPARTMENT OF ENERGY (DOE)

Management and Administration (MA)

Completed Actions

528. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; RESEARCH GRANT ADMINISTRATION

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.20; 10 CFR 600.102; 10 CFR 600.103; 10 CFR 600.106; 10 CFR 600.108; 10 CFR 600.114; 10 CFR 600.115; 10 CFR 600.119; 10 CFR 600.3

Legal Deadline: None.

Abstract: The revised regulation would provide modified and simplified policies and procedures with respect to research administration. The revision would eliminate burdensome obligations such as prior approval of certain budgetary changes and would permit more flexibility in the use of funds awarded.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32684
NPRM Comment Period End	09/12/85	50 FR 32684
Final Action	10/28/86	51 FR 39365
Final Action Effective	01/28/87	51 FR 39365

Small Entity: No

Agency Contact: Edward F. Sharp, Procurement Analyst, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8192

RIN: 1991-AA21

529. DEPARTMENT OF ENERGY ACQUISITION REGULATION; PROTEST PROCEDURES

Legal Authority: 41 USC 301 et seq

CFR Citation: 48 CFR 914; 48 CFR 933; 48 CFR 952; 48 CFR 970

Legal Deadline: None.

Abstract: To provide new bid protest procedures. This action is the Department's Implementation of the government-wide policy of the Federal Acquisition Regulation required by the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 13053
NPRM Comment Period End	05/28/85	50 FR 13053

DOE—MA

Completed Actions

Action	Date	FR Cite
Final Action	09/03/86	51 FR 3133
Final Action Effective	11/03/86	51 FR 3133

Small Entity: No

Agency Contact: L. J. Tillman, Director, Business Clearance, Department of Energy, Management and Administration, 1000 Independence Ave, SW, Washington, DC 20585, 202 586-9065

RIN: 1991-AA26

530. DEPARTMENT OF ENERGY ACQUISITION REGULATION (DEAR); UNALLOWABLE COSTS – MANAGEMENT AND OPERATING CONTRACTS

Legal Authority: PL 99-145, Sec 1534

CFR Citation: 48 CFR 970

Legal Deadline: Statutory, April 7, 1986. Publication of final rule.

Abstract: Amend procurement regulations (DEAR) to make unallowable for reimbursement under DOE Management and Operating contracts the ten cost items specified in Section 1534 as non-allowable costs.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 7469
NPRM Comment Period End	04/03/86	
Extension of Comment Period	05/03/86	51 FR 11701
Final Action	01/14/87	52 FR 1602
Final Action Effective	01/14/87	52 FR 1602

Small Entity: No

Additional Information: Final rule is being drafted. Extensive coordination with GC-34, DP-1, ER-1 is required before final rule can be published.

Agency Contact: Rudolph J. Schuhbauer, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8175

RIN: 1991-AA36

531. DEPARTMENT OF ENERGY ACQUISITION REGULATION; TRAVEL EXPENSE LIMITATIONS - MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: PL 99-234

CFR Citation: 48 CFR 970

Legal Deadline: Statutory, August 1, 1986.

Abstract: Amend Procurement regulations (DEAR) in order to apply the travel expense limitations established under Federal Civilian Employee and Contractor Travel Expense Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/11/86	51 FR 3234
NPRM Comment Period End	10/14/86	51 FR 3234
Final Action	12/05/86	51 FR 43924
Final Action Effective	12/05/86	51 FR 43924

Small Entity: No

Agency Contact: Rudolph J. Schuhbauer, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8175

RIN: 1991-AA38

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

532. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None.

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	

Small Entity: No

Additional Information: As part of the revision of the Department of Energy Conduct of Employees Regulations, we propose to amend Appendix I of the Regulations. We expect final action on this amendment of the Regulations to be completed by June 30, 1987.

Agency Contact: Susan Fonner, Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990-AA00

533. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Legal Deadline: None.

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence

Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990-AA02

534. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None.

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Susan Fonner, Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990-AA04

535. CLARIFICATION OF THE TERM BYPRODUCT MATERIAL

Legal Authority: 42 USC 2011 et seq (Atomic Energy Act of 1954)

CFR Citation: 10 CFR 962, (new)

Legal Deadline: None.

Abstract: This regulation will clarify the application of the term Byproduct Material, as defined in section 11(e) (1) of the Atomic Energy Act (42 USC 2014(e) (1)) to Department of Energy owned or produced radioactive waste substances, for the purpose of determining which of these waste substances are Byproduct Material under the Atomic Energy Act, and are therefore not "solid waste" as that term is defined in the Resource Conservation and Recovery Act (42 USC 6901 et seq).

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45736
NPRM Comment Period End	01/02/86	
NPRM	03/15/87	
NPRM Public Comment Period End	06/15/87	

Small Entity: No

Agency Contact: Henry K. Garson, Assistant General Counsel for Environment, Department of Energy, Office of General Counsel, GC-11, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6947

RIN: 1990-AA05

536. ● COOPERATION WITH THE INSPECTOR GENERAL

Legal Authority: 42 USC 7138; 42 USC 7211 to 7218; 42 USC 7254; 42 USC 6392; 42 USC 5816a; 5 USC 301; 5 USC 303(a)

CFR Citation: 10 CFR 1010.217, (new)

Legal Deadline: None.

Abstract: This regulation will codify existing Department of Energy policy and clarify the authority provided by existing statutes and Federal case law with respect to the obligations of Department employees to cooperate with the Office of Inspector General in official investigations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Susan Fonner, Deputy Assistant General Counsel, Office of General Counsel, GC-43, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990-AA06

537. ● CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None.

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: No

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20505, 202 586-2802

RIN: 1990-AA07

[FR Doc. 87-8605 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 27, 1986.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Glenn Kamber, Deputy Executive Secretary, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone: (202) 245-7699.

James J. Delaney,

Executive Secretary to the Department.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
538	Privacy Act Regulation	0991-AA11
539	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
540	Enforcement of Nondiscrimination on the Basis of Handicap in the Department of Health and Human Services	0991-AA17
541	Administration of Grants - Implementation of OMB Circular A-102	0991-AA27
542	Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0991-AA34
543	Civil Money Penalties for Assistants at Cataract Surgery	0991-AA37
544	Exclusions and Terminations on the Basis of PPS Fraud and Abuse	0991-AA39
545	OIG Civil Money Penalty and Sanction Provisions Resulting from OBRA of 1986	0991-AA40
546	Program Fraud Civil Remedies	0991-AA41
547	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0991-AA42

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
548	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
549	Public Information Regulation	0991-AA07
550	Revision to OIG's Sanction Authorities	0991-AA21
551	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
552	Block Grant Programs	0991-AA25
553	Administration of Grants-Implementation of OMB Circular A-88	0991-AA29
554	Administration of Grants-Single Audit Act of 1984	0991-AA30
555	Reimbursement of Indirect Costs Under Project Grants	0991-AA33
556	Withholding Medicaid Payments to Providers Under Criminal Investigation	0991-AA36
557	Block Grant Programs	0991-AA38

HHS

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
558	Automatic Data Processing Equipment and Services -- Conditions for Federal Financial Participation	0991-AA14

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
559	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
560	Claims Collection	0990-AA00
561	Grants to States for Public Assistance Programs	0990-AA01

Office of Human Development Services—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
562	Head Start Program-Prerulemaking Action	0980-AA15

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
563	Foster Care Maintenance Payments, Adoption Assistance, and Child Welfare Services -- Notice of Proposed Rulemaking	0980-AA08
564	Head Start Program--Final Rule	0980-AA10
565	Runaway and Homeless Youth Program--Notice of Proposed Rulemaking	0980-AA11
566	Head Start Program - Criteria for Selection of New Grantees	0980-AA17
567	Head Start Program - Program Design and Program Options	0980-AA18
568	Head Start Program - Performance Standards for Infants and Toddlers	0980-AA19
569	Head Start Program - Revision of the Appeals Process	0980-AA20
570	Performance Standards for Services to Handicapped Children - Notice of Proposed Rulemaking	0980-AA21

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
571	Developmental Disabilities Program--Notice of Proposed Rulemaking	0980-AA12
572	Consolidation of Grants to the Insular Areas -- Final Rule with Comment Period	0980-AA22

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Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
573	Child Abuse & Neglect Prevention & Treatment Program--Final Rules	0980-AA14
574	Head Start Program - Multiple Years of Service	0980-AA16

Social Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
575	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Simplified Fee Process for Representatives of Claimants	0960-AA64
576	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
577	Disclosure of Personal Information to Law Enforcement Agencies and Courts (Prerulemaking Activity)	0960-AB66
578	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjudication of Social Security Disability Claims (Pre-Rulemaking Activities)	0960-AB73
579	Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Appointing ALJ's to Hear and Decide Cases	0960-AB97
580	Supplemental Security Income Program; Treatment of Proceeds from Home Equity Conversion (HEC) Plans as Income	0960-AC00
581	Old-Age, Survivors, and Disability Insurance Program; Medical Evaluation Criteria for Acquired Immune Deficiency Syndrome (AIDS)	0960-AC06

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
582	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
583	Public Assistance Programs, Treatment of Replacement Checks	0960-AA96
584	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
585	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
586	Black Lung Program; Establishing Dependency of Surviving Divorced Wife and Computation of Basic Rate	0960-AB05
587	Supplemental Security Income Program; Income; Bills Paid for You	0960-AB09
588	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Medical Evidence	0960-AB22
589	Supplemental Security Income Program; How We Count Unearned Income--Funds Used to Pay Indebtedness	0960-AB29
590	Old-Age, Survivors, and Disability Insurance Program Reopening and Revising Determinations and Decisions Where There is Clear Error or New and Material Evidence	0960-AB34
591	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
592	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
593	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
594	OASDI & SSI Programs; Overpayments, Underpayments, Waiver of Recovery of Overpayments, and Liability of a Certifying Officer	0960-AB78
595	Supplemental Security Income Program; Treatment of Property Held in Trust or Other Similar Legal Devices When the Property is Available for a Beneficiary's Support and Maintenance	0960-AB79
596	Old-Age, Survivors, and Disability Insurance Programs; Determining First Month of Entitlement Based on One-Half Support	0960-AB83
597	Organization and Procedures; Availability of Information and Records to the Public--Social Security Rulings--Acquiescence Series	0960-AB85
598	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgement Funds and Per Capita Distributions	0960-AB86
599	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlements to Other Benefits	0960-AB87
600	Old Age, Survivors, And Disability Insurance; Black Lung; Supplemental Security Income Programs; Effectuating Component Recommendation That The Appeals Council Review An ALJ Decision	0960-AB90

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Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
601	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Use of Work Evaluations to Evaluate Individuals with Mental Impairments	0960-AB92
602	Old-Age, Survivors, and Disability Insurance Program; Determining Disability and Blindness, Medical-Vocational Guidelines, Illiteracy and Inability to Communicate in English	0960-AB94
603	Supplemental Security Income Program; Spousal Deeming Computation Involving State Supplementation	0960-AB95
604	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
605	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
606	Supplemental Security Income Program; Prohibition on Direct Payment of Fees to Representatives	0960-AC08
607	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Chronic Renal Disease	0960-AC10
608	Supplemental Security Income Program; Define Out of Resources for One Month Certain Cash Payments for Medical/Social Services	0960-AC11
609	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Appeals Council Review and Reopening Authority	0960-AC15
610	Old-Age Survivors and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
611	Old-Age, Surviviors, and Disability Insurance and Supplemental Security Income Program; Evaluation Guides for Determining Substantial Gainful Activity	0960-AC21
612	Supplemental Security Income Program; Employment Opportunities for the Disabled	0960-AC22
613	Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Entities as Representatives of SS Claimants; Fee Paid by Third Party	0960-AC25
614	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
615	Old-Age, Survivors, and Disability Insurance Program; Wages	0960-AC27
616	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
617	Old-Age, Survivors, and Disability Insurance Program; and Organization and Functions; Records of Earnings	0960-AC30

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
618	Supplemental Security Income Programs; Mandatory Pass Through Under State Supplementation Provisions	0960-AA05
619	Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments	0960-AA13
620	Supplemental Security Income Program; Reductions, Suspensions and Terminations	0960-AA22
621	Supplemental Security Income Program; Age 18 and Alien Deeming	0960-AA26
622	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Future Effect of Applications and Related Changes in Appeals Council Procedures	0960-AA28
623	Old-Age, Survivors, and Disability Insurance Program; Provision for Presuming a Person is Dead	0960-AA54
624	Old-Age, Survivors, and Disability Insurance Program; Wage Coverage Under Social Security	0960-AA55
625	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
626	Old-Age, Survivors, and Disability Insurance; Effect of Pension from Noncovered Employment	0960-AA65
627	Supplemental Security Income Program; Resource Limits for Conditional SSI Payments	0960-AA75
628	Old-Age, Survivors, and Disability Insurance Program; US Residence Requirements for Non-Resident Aliens and Deductions for Work Outside the U.S.	0960-AA76
629	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments-AIDS	0960-AA79
630	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Newly Hired Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
631	Supplemental Security Income Program; Permanent Residence Under Color-of-Law	0960-AB24
632	Supplemental Security Income Programs; Assignment of Rights to Third-Party Medical Payments to State	0960-AB28
633	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits During Appeal	0960-AB30
634	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB31
635	Supplemental Security Income Program; Treatment of Overpayments When Recipient's Countable Assets Exceed Limits in Certain Cases	0960-AB32
636	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Determinations of Disability-Compliance, Performance Standard Revisions, and Other Changes	0960-AB36

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Social Security Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
637	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
638	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
639	Old Age, Survivors, and Disability Insurance Programs; Period of Disability--When You May Not Be Entitled to Benefits	0960-AB82
640	Old Age, Survivors, and Disability Insurance, Supplemental Security Income & Black Lung Programs--Own Motion Review of Fee Determination	0960-AB89
641	Supplemental Security Income Program; Liquid and Nonliquid Resources and Resources Determinations	0960-AC02
642	Supplemental Security Income Program; Pension Funds for Deeming Purposes and Grandfathering Provisions	0960-AC03
643	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AC05
644	Supplemental Security Income Program: Federal Administration of Optional State Supplementation	0960-AC13
645	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Application of Dependency Test to Adopted Great-Grandchildren; Demonstration Projects	0960-AC23

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
646	Aid to Families With Dependent Children and Supplemental Security Income Programs; Disregard of Support and Maintenance Assistance Based on Need	0960-AA71
647	Supplemental Security Income Program; Resources; Exclusion of Underpayments	0960-AB11
648	Old Age, Survivors, and Disability Insurance Programs; Withdrawal of an Application	0960-AB84
649	Old-Age Survivors and Disability Insurance Programs; and Organization and Procedures: Removal of List of Title II Application Forms	0960-AC12
650	Supplemental Security Income Program; Disregarding of Support and Maintenance Assistance Based on Need	0960-AC17

Office of Family Assistance—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
651	Medical Support Enforcement #2	0992-AA18
652	Improved Case Processing Standards and Timeframes	0992-AA23
653	Child Support Enforcement Audit Regulations	0992-AA24
654	Distribution of Child Support Collections	0992-AA25

Office of Family Assistance—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
655	Interstate Child Support Enforcement	0992-AA17
656	Prohibition of Federal Funding of Costs of Incarceration and Counsel for Indigent Absent Parents	0992-AA19
657	Disregard of Child Support Payments; Regulations Implementing the Deficit Reduction Act of 1984	0992-AA20

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Public Health Service—Office of Assistant Secretary for Health (OASH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
658	Grants for Adolescent Pregnancy and Family Life Projects	0905-AA24

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
659	Confidentiality of Alcohol and Drug Abuse Patient Records	0905-AA26
660	Obligated Service for Mental Health Traineeships	0905-AB48

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
661	Improve Standards for Respirator Devices	0905-AB58

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
662	Project Grants for Health Programs for Refugees	0905-AB43
663	Distribution of Reference Biological Standards and Biological Preparations	0905-AB49
664	Specifications for Medical Examinations of Underground Coal Miners	0905-AB51
665	Medical Examination of Aliens	0905-AB96

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
666	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
667	Drug Exports	0905-AC44

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
668	Over-the-Counter (OTC) Drug Review	0905-AA06
669	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
670	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
671	New Animal Drug Approval Process	0905-AA96
672	Policies Concerning Uses of Sulfiting Agents	0905-AB52
673	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
674	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
675	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
676	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AB72
677	Infant Formula Recalls/Infant Formula Current Good Manufacturing Practices; Quality Control Procedures	0905-AC46

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Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
678	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
679	Good Laboratory Practice for Nonclinical Laboratory Studies	0905-AA84
680	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians	0905-AB01
681	Animal Drug Safety Policy	0905-AB04
682	IND Regulations Revision	0905-AB09
683	Proposed User Charge; New Drug Applications, Abbreviated New Drug Applications, New Device Applications, and Antibiotic Applications Review	0905-AB56
684	Provisionally Listed Color Additives	0905-AB60
685	Antibody Test for HTLV-III; General Biological Products Stds.; Additional Standards for Human Blood and Blood Products; Serological Test for Human T-Lymphotropic Virus, Type III	0905-AB62
686	Patent Term Restoration of Regulated Products (Title II of "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB65
687	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol	0905-AB68
688	Methylene Chloride	0905-AC00
689	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages	0905-AC48

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
690	Risk Assessment Policy for Regulating Carcinogenic Impurities in Food and Color Additives	0905-AA12
691	Reporting Requirements for Marketed Animal Drugs	0905-AB06
692	Sulfiting Agents; Labeling in Drugs for Human Use	0905-AB38
693	Medical Device Amendments: Implementation Improvement	0905-AB54

Public Health Service—Health Resources and Services Administration (HRSA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
694	General Review and Revision of Public Law 93-638 Program and Contracting Regulations	0905-AB98

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
695	Grants for Residency Training and Faculty Development in General Internal Medicine or General Pediatrics	0905-AB50
696	Changes in Public Law 93-638. Regulations to Revise the Declination Appeals Process and Clarify its Scope	0905-AB99
697	Nursing Special Project Grants	0905-AC18
698	Health Education Assistance Loan (HEAL) Program: Implementation of Pub. L. 99-129	0905-AC28
699	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs	0905-AC30
700	Nursing Student Loan (NSL) Program: Implementation of the Law (Pub. L. 99-92)	0905-AC31
701	Health Professions Student Loan (HPSL) Program: Implementation of the Law (Pub. L. 99-129)	0905-AC32
702	Geriatric Education Projects	0905-AC33

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Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
703	Post-Baccalaureate Faculty Fellowship Program	0905-AC34
704	Grants for Community Health Services Criteria and Procedure for Determining Medically Underserved Populations (MUA)	0905-AC35
705	Health Manpower Shortage Area Designation Criteria	0905-AC50
706	Implementation of Health Care Quality Improvement Act of 1986 (Title IV, Public Law 99-660)	0905-AC51

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
707	Program Grants for Migrant Health Services	0905-AA62
708	Indian Health Service, 42 CFR Part 36 Subpart I, Contracts Under the Indian Self-Determination Act: Amendments	0905-AB31
709	Grants for Nurse Anesthetist Traineeships	0905-AB33
710	Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)	0905-AB35
711	Indian Eligibility	0905-AB89
712	Grants for Community Health Centers	0905-AC01
713	Health Professions Student Loan (HPSL) Program: Deferment Revisions	0905-AC06
714	Health Education Assistance Loan (HEAL) Program: Deferment Revisions	0905-AC07
715	Nursing Student Loan (NSL) Program: Provisions of the Law (Pub. L. 99-92)	0905-AC10
716	Grants for Nurse Practitioner and Nurse Midwifery Programs	0905-AC11
717	Grants for Graduate Programs in Health Administration	0905-AC12
718	Health Professions Student Loan (HPSL) Program: Provisions of the Law (Pub.L. 99-129)	0905-AC13
719	Programs for the Training of Physician Assistants	0905-AC15
720	Advanced Nurse Education Programs	0905-AC16
721	Financial Assistance for Disadvantaged Health Professions Students	0905-AC19
722	Grants for Residency Training and Advanced Education in the General Practice of Dentistry	0905-AC20
723	Area Health Education Centers (AHEC)	0905-AC22
724	Nursing Student Loan (NSL) Program: Define Exceptional Financial Need	0905-AC29

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
725	National Health Service Corps (NHSC); Private Practice Option (PPO) Loans to Individuals	0905-AA57
726	Health Education Assistance Loan (HEAL) Program: Program Management	0905-AB46
727	Reasonable Volume of Uncompensated Services to Persons Unable to Pay - Hill-Burton (Public Facilities)	0905-AB75
728	Health Professions Student Loan (HPSL) Program-Improved Program Management Regulations	0905-AB93
729	Nursing Student Loan (NSL) Program - Improved Program Management Regulations	0905-AB95
730	Charging Fees for Hill-Burton Direct and Guaranteed Loan Modification Requests	0905-AC05
731	Grants for Various Health Professions: Interdisciplinary Training and Curriculum Development	0905-AC08
732	Health Education Assistance Loan (HEAL) Program: Provisions of the Law (Pub. L. 99-129)	0905-AC09
733	Capitation Grants for Schools of Public Health	0905-AC14
734	Hansen's Disease Duty by Civil Service Officers and Employees of The Public Health Service	0905-AC26

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
735	Misconduct in Science	0905-AB91
736	Changes in NIH Program Regulations Necessitated by the Provisions of the Health Research Extension Act of 1985 (P.L. 99-158) and the Superfund Amendments and Reauth. Act of 1986 (P.L. 99-499)	0905-AC02
737	National Institutes of Health Center Grants 42 CFR Part 52a	0905-AC27

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Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
738	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66

Health Care Financing Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
739	Revisions to Medicare Appeals Rights	0938-AC81

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
740	Amending Cost Reports and Reopening Intermediary Payment Determinations and Administrative Review Decisions	0938-AA33
741	Survey and Certification Procedures	0938-AA38
742	Medicaid Eligibility	0938-AA58
743	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
744	Miscellaneous Medicare and Medicaid Amendments	0938-AB05
745	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
746	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
747	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
748	Physician Certification and Plan of Care Requirements and Inspection of Care Reviews	0938-AB55
749	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
750	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment, Entitlement, and Premiums	0938-AB60
751	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
752	Medicare/Medicaid Revaluation of Assets	0938-AB64
753	OMB Review of Information Collection and Recordkeeping Requirements for Home Health Agencies, Independent Laboratories, and Providers of Outpatient, Physical Therapy and/or (cont)	0938-AB68
754	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
755	Review of Current Rules Affecting Clinical Laboratories	0938-AB96
756	Medicare Recovery Against Third Parties and Medicare Secondary Payors	0938-AC05
757	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
758	Assignment and Reassignment of Provider-Based Home Health Agencies and Hospices to Designated Regional Intermediaries	0938-AC20
759	Review of Information Collection and Recordkeeping Requirements for Suppliers of End-Stage Renal Disease Services	0938-AC26
760	Payment for Direct Medical Education	0938-AC27
761	Fire Safety Standards for Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities and Ambulatory Surgical Centers	0938-AC28
762	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
763	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1988 Rates	0938-AC39
764	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
765	Deletions From Current List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC45
766	Employers Contribution to Health Maintenance Organizations Option	0938-AC48
767	Use of the HCFA Hospital Wage Index for Determining Payment to Hospices	0938-AC49
768	Hospice/Case Management	0938-AC52
769	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
770	Reimbursement for Physician's Outpatient Maintenance Dialysis Services	0938-AC57
771	Responsibilities of Hospitals in Emergency Cases and Requirements For Participation in CHAMPUS and CHAMPVA Programs	0938-AC58
772	Payment for Kidneys Sent to Foreign Countries or Transplanted in Non-Medicare Beneficiaries	0938-AC59
773	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
774	Reasonable Charge Payment Limits for Enteral Products and Supplies	0938-AC67
775	Alternate Sanctions for ESRD Facilities	0938-AC68
776	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82

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Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
777	Denial of Medicare Payments for Poor Quality Care	0938-AC84
778	End Stage Renal Disease Program: Responsibilities of Network Organizations	0938-AC86
779	End Stage Renal Disease Program: Revised Network Area Designations	0938-AC87
780	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
781	Recognition of College of American Pathologists Laboratory Accreditation Program	0938-AC89
782	PRO Preprocedure Review of Certain Surgical Procedures	0938-AC90
783	Part B Premium for 12-Month Period Begining 01/01/88	0938-AC92
784	Inpatient Hospital Deductible Beginning 01/01/88	0938-AC94
785	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System	0938-AC97
786	Changes to the Return on Equity Capital Provisions for Outpatient Hospital Services	0938-AC98
787	Changes Concerning Determinations of Allowable Interest Expense and suspension of Payments	0938-AC99
788	Hospital Outpatient Ambulatory Surgical Rates	0938-AD00
789	Changes Concerning the Accrual Basis of Accounting	0938-AD01
790	Optional Payment System for Low Volume Skilled Nursing Facilities	0938-AD02
791	Changes to the DRG Classification System	0938-AD03
792	Payments for Ambulatory Surgical Services and List of Covered Surgical Services	0938-AD04
793	Capital Payments Under the Inpatient Hospital Prospective Payment System	0938-AD06
794	Criteria and Procedures for Medical Services Coverage Decisions	0938-AD07
795	Medicare Coverage of Immunosuppressive Drugs	0938-AD09
796	Standards for the Reuse of Dialysis Filters and Other Dialysis Supplies	0938-AD10
797	Revision to Conditions of Participation for Hospitals and End Stage Renal Disease Facilities	0938-AD11
798	Conditions of Participation for Long Term Care Facilities	0938-AD12
799	Recognition of Joint Commission for Accreditation of Hospital's Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies	0938-AD13
800	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
801	Eligibility of Aliens Granted Amnesty Under the Immigration Reform and Control Act	0938-AD15
802	OBRA Provisions; Medicaid Eligibility Groups and Coverage	0938-AD16
803	Medicaid Eligibility Groups and Extended Coverage of Services	0938-AD17
804	Transfer of Assets	0938-AD18
805	Standards for Organ Procurement Agencies (OPAs)	0938-AD20

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
806	Home Health Agencies: Financial Security Requirements	0938-AA13
807	Payments to Institutions	0938-AB00
808	Benefit Period Determinations, Drug Regimen Reviews and Other Technical Changes	0938-AB03
809	Relations with Other Agencies, Miscellaneous Medicaid Definitions and Third Party Liability Quality Control	0938-AB21
810	Changes to the Lesser of Costs or Charges Provisions	0938-AB29
811	Revisions to Medicaid Payment for Hospital and Long-Term Care Facility Services	0938-AB40
812	FFP for LTC Facilities after Termination of Provider Agreement	0938-AB42
813	Revisions in Reporting and Recordkeeping Requirements	0938-AB46
814	Indirect Part B Payment Procedure	0938-AB59
815	Treatment of Social Security Cost of Living Increases for Individuals Who Lose SSI Eligibility	0938-AB62
816	Changes to the Return on Equity Capital Provisions and the Exception from Cost Limits for Newly Established Home Health Agencies	0938-AB70
817	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
818	Payment Adjustments for Sole Community Hospitals	0938-AB72
819	Conditions for Intermediate Care Facilities for the Mentally Retarded	0938-AB76
820	Revision of Medicaid Drug Reimbursement Requirements	0938-AB97
821	Medicaid Program; Coverage of Qualified Pregnant Women and Children and Newborn Children	0938-AC02
822	Reasonable Charge Limitations	0938-AC08
823	Lowest Charge Levels (LCL) for Medical Services, Supplies and Equipment	0938-AC16
824	List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC21
825	Enrollment Provisions Concerning Health Maintenance Organizations and Competitive Medical Plans	0938-AC44
826	Application Fees for Health Maintenance Organizations (HMOs)	0938-AC46
827	Correction and Reduction Plans for Intermediate Care Facilities for the Mentally Retarded	0938-AC51
828	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs (Effective 10/01/87)	0938-AC54

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Health Care Financing Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
829	Medicare Program: Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or after July 1, 1987	0938-AC56
830	Medicare Notice of General Statement of Policy - Procedures for Determining Whether Providers, Practitioners or Other Suppliers of Services are Liable for Certain Noncovered Services	0938-AC61
831	Appeals from Determinations that Affect Participation in Medicare	0938-AC65
832	Refunding of Federal Share of Overpayments Made to Medicaid Providers	0938-AC83
833	Entities Performing Quality of Care Review of Services Provided by Risk-Basis Health Maintenance Organizations and Competitive Medical Plans	0938-AC85
834	Medicare Economic Index for Reasonable Charges (Effective 01/01/88)	0938-AC91
835	Part A Premium for Uninsured Aged for 12-Month Period Beginning 01/01/88	0938-AC93
836	Periodic Interim Payments for Hospitals	0938-AC96
837	Payments for Large Rural Hospitals That Serve a Disproportionate Share of Low-Income Patients	0938-AD05
838	Supplementary Medical Insurance Premiums	0938-AD19

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
839	Adjustment of Federal Share for Uncashed or for Cancelled (Voided) Medicaid Checks	0938-AB35
840	Hospice "Core" Services; Nursing	0938-AB58
841	Medicaid: Identification of Third Party Liability Resources for Medical Assistance	0938-AB88
842	Payment for the Cost of Malpractice Insurance	0938-AC00
843	Determination of Reasonable Charges for Physician and Other Medical Services	0938-AC04
844	Miscellaneous Conforming Amendments	0938-AC06
845	Processing of Claims by Electronic Means as a Condition of Qualification for the Periodic Interim Payment Method of Reimbursement	0938-AC09
846	Changes to The Criteria for Determining Reasonable Charges	0938-AC14
847	Second Surgical Opinion Requirement for Medicaid Recipients	0938-AC19
848	Medicare Economic Index for Reasonable Charges (Effective 01/01/87)	0938-AC29
849	Cost Limits for Hospital Medicare Part B Clinical Laboratory Services	0938-AC30
850	Part A Premium for Uninsured Aged For 12-Month Period Beginning 01/01/87	0938-AC32
851	Part B Premium for 12-Month Period Beginning 01/01/87	0938-AC34
852	Medicare Economic Index	0938-AC35
853	Reasonable Charge Payment Limits for Cataract Extractions with Intraocular Lens Implants	0938-AC41
854	Reasonable Charge Payment Limits for Anesthesia Services	0938-AC42
855	Redesignation of Reasonable Cost Regulations	0938-AC43
856	Medicare and Medicaid: Information on the Consolidated Omnibus Budget Reconciliation Act of 1985	0938-AC47
857	Payment to Hospices	0938-AC50
858	Criteria for Medicare Coverage of Heart Transplants	0938-AC53
859	Preadmission Review for Non-Emergency Admissions to Hospitals Participating in the Medicaid Program	0938-AC60
860	Removal of Obsolete Regulations; Professional Standards Review Organizations	0938-AC62
861	Program Integrity Amendments	0938-AC63
862	Medicaid Management Information System: Waiver of Reduction of Federal Financial Participation	0938-AC66

Family Support Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
863	Scope of Payments	0970-AA00
864	Aid to Families with Dependent Children Program; General Administration – Public Assistance Program – Quality Control System	0970-AA11

HHS

Family Support Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
865	Cash Assistance, Medical Assistance, and State Administrative Costs for Assistance Provided to Refugees	0970-AA01
866	Child Support Enforcement Program; Quarterly Reporting Requirements	0970-AA02
867	Aid to Families with Dependent Children; Treatment of Utility Payments By Applicant or Recipients Living in Certain Federally Assistance Housing	0970-AA05
868	Regulations to Enhance Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs	0970-AA08
869	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0970-AA09

Family Support Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
870	Retroactive Modification of Child Support Arrears	0970-AA03
871	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0970-AA04
872	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
873	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
874	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Support Services	0970-AA10

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Office of the Secretary (OS)

538. PRIVACY ACT REGULATION

Legal Authority: 5 USC 552a

CFR Citation: 45 CFR 5b

Legal Deadline: None.

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA11

539. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 501

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None.

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: In FY 1987 OMB will revise Circulars A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234).

Agency Contact: Henry G. Kirschenmann, Jr., Deputy Assistant Secretary, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 513D, HHH Bldg, 200

Independence Ave. SW, Washington, DC 20201, 202 245-8870

RIN: 0991-AA12

540. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 85.1-62

Legal Deadline: None.

Abstract: Implements the amendment made to Sec. 504 of the Rehabilitation Act of 1973 by Pub.L. 95-602 in 1978, which extended Sec. 504 to the Federal sector. The proposed Part 85 is modeled on Part 84 which implements Sec. 504 with respect to recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Frank E.G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue SW, Room 5411, Washington, DC 20201, 202 472-4256

RIN: 0991-AA17

541. ADMINISTRATION OF GRANTS - IMPLEMENTATION OF OMB CIRCULAR A-102

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular No. A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current HHS regulation codified at 45 CFR Part 74 was written by HHS to implement both Circular No. A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. Revised Circular A-102 will require us to adopt essentially verbatim a common regulation drafted by OMB and affecting governmental grantees only.

Timetable:

Action	Date	FR Cite
Notice of Proposed Revision of Circular A-102 published by OMB	06/18/84	49 FR 24958
NPRM	00/00/00	

Small Entity: No

Additional Information: Next Action Awaits Issuance of Circular A-102

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513-D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA27

542. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None.

Abstract: This NPRM will propose new regulations of 45 CFR 95.600, et seq., to reduce the amount of time necessary to review and respond to State and local agency requests for FFP. The reduction in process time will be accomplished by streamlining the review process and requiring fewer points of prior approval by the Department.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	
NPRM Comment Period End	05/30/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Ron Lentz, Division of State Data Systems, Department of Health and Human Services, Office of the Secretary, Room 542F HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7354

RIN: 0991-AA34

543. CIVIL MONEY PENALTIES FOR ASSISTANTS AT CATARACT SURGERY

Significance: Agency Priority

Legal Authority: PL 99-272, Sec 9307

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None.

Abstract: These proposed regulations would provide for the imposition of civil money penalty assessments for physicians billing Medicare or program beneficiaries for services of an assistant surgeon for cataract or other types of operations where prior approval is not granted.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	

Small Entity: No

Agency Contact: Clarke Bowie, Special Projects Officer, Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-1827

RIN: 0991-AA37

544. ● EXCLUSIONS AND TERMINATIONS ON THE BASIS OF PPS FRAUD AND ABUSE

Legal Authority: 42 USC 1395cc; 42 USC 1395ww

CFR Citation: 42 CFR 1001

Legal Deadline: None.

Abstract: This rule would extend sanction actions that exist under other provider exclusion authorities by the OIG to the Prospective Payment System.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Bill Libercci, Deputy Director, GCAS Staff, Office of Investigations, Department of Health

and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-5035

RIN: 0991-AA39

545. ● OIG CIVIL MONEY PENALTY AND SANCTION PROVISIONS RESULTING FROM OBRA OF 1986

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9313; PL 99-501, Sec 9317; PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9338; PL 99-501, Sec 9343; PL 99-501, Sec 9434

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None.

Abstract: This rule addresses various penalty provisions contained in the Omnibus Budget Reconciliation Act of 1986 regarding civil money penalties and program sanctions for HMOs and competitive medical plans, the use of physician incentive plans, the unbundling of non-physician outpatient department services, and the billing and payment of services by physicians, physician assistants and certified registered nurse anesthetists under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Not Applicable

Agency Contact: Clarke Bowie, Special Projects Officer, Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-1827

RIN: 0991-AA40

546. ● PROGRAM FRAUD CIVIL REMEDIES

Significance: Agency Priority

Legal Authority: PL 99-501, Sec 6103

CFR Citation: 42 CFR 1005, New

Legal Deadline: Statutory, April 21, 1987. While final rule is due on this date, a notice of proposed rulemaking is being promulgated prior to the issuance of final regulations.

Abstract: This rule would establish a $5,000 civil money penalty and an assessment of double damages against any person who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: D. McCarty Thornton, Supervisory Trial Attorney, Office of the General Counsel/IG Division, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW, Washington, DC 20201, 202 245-6306

RIN: 0991-AA41

547. ● TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 9101 Reconciliation Act of 1986

CFR Citation: 42 CFR 453.952; 45 CFR 205.56

Legal Deadline: None.

Abstract: Meet Congressional intent to allow State flexibility of targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulation which required 100% verification. States will be allowed to apply tolerances in selecting the most productive data to verify and act upon.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	
NPRM Comment Period End	05/15/87	
Final Action	10/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Additional Information: These regulations are being issued in conjunction with regulations being issued by the Department of Agriculture to provide consistency of implementation with the Federally assisted benefit program at that department.

Government Levels Affected: State, Federal

Agency Contact: Sheldon Shalit, Director, Division of Payment Integrity, Department of Health and Human Services, Office of the Secretary, OSSSR, ASMB, 530G HHH, 200 Independence Ave., SW, Washington, DC 20201, 202 245-0384

RIN: 0991-AA42

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Final Rule Stage

548. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

CFR Citation: 45 CFR 92

Legal Deadline: None.

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment Period End	03/24/86	51 FR 2806
Final Action	06/30/87	

Small Entity: No

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, Div of PSP, Off of Mgmt & Pol, OCR, Rm. 5032, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 245-6671

RIN: 0991-AA02

549. PUBLIC INFORMATION REGULATION

Legal Authority: 5 USC 552

CFR Citation: 45 CFR 5

Legal Deadline: None.

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
NPRM	04/08/86	51 FR 13250
NPRM Comment Period End	06/00/86	51 FR 13250
Final Action	00/00/00	

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA07

550. REVISION TO OIG'S SANCTION AUTHORITIES

Significance: Agency Priority

Legal Authority: PL 98-369, Sec 2333; 42 USC 1395yd; 42 USC 1320a7; 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396b; PL 99-501, Sec 9317

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 455; 42 CFR 474; 42 CFR 499

Legal Deadline: None.

Abstract: This regulation incorporates Section 2333 of P.L. 98-369 which provides authority to exclude entities that employ practitioners convicted of Medicare or Medicaid related offenses who are serving in key management positions, or where individuals convicted of a program-related crime have a five percent or more ownership interest. This rule also makes substantive revisions and clarifications regarding certain legal issues in the existing OIG sanction regulations. In addition, this rule provides technical improvements in the civil money penalty and exclusion provisions resulting from P.L. 99-501.

Timetable:

Action	Date	FR Cite
NPRM	07/09/86	51 FR 24857
NPRM Comment Period End	09/25/86	
Final Action	07/00/87	

Small Entity: Yes

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-3957

RIN: 0991-AA21

551. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 2405

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None.

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-267, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	
NPRM	12/21/79	44 FR 75676
Final Action	04/00/87	

Small Entity: No

Public Compliance Cost: Yearly Recurring Cost: $6,000

Government Levels Affected: Local, State

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5411, Washington, DC 20201, 202 472-4256

RIN: 0991-AA22

552. BLOCK GRANT PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 9901; 42 USC 300w; 42 USC 8621; 42 USC 300x

CFR Citation: 45 CFR 96

Legal Deadline: None.

Abstract: In a prior session of Congress, four of the Department's block grants were reauthorized and certain requirements imposed on the States and other recipients were changed. The block grants include those for Alcohol and Drug Abuse and Mental Health Services; Preventive Health and Health Services; Low-Income Energy Assistance and Community Services. In addition, Congress enacted the Single Audit Act of 1984 which substantially changes the Federal audit requirements imposed upon State and local governments and modifies Federal agency responsibility for oversight of those audits. These legislative changes necessitate changes in the Department's block grant regulation issued July 6, 1982. Alternative measures for addressing the problem are not being considered. None of the proposed legislative changes will involve substantial cost.

Timetable:

Action	Date	FR Cite
NPRM	07/03/86	45 FR 96
NPRM Comment Period End	09/02/86	
Final Action	03/01/87	

Action	Date	FR Cite
Final Action Effective	03/01/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Deputy Director, Program Systems, Department of Health and Human Services, Office of the Secretary, Room 447-D, Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-7316

RIN: 0991-AA25

553. ADMINISTRATION OF GRANTS-IMPLEMENTATION OF OMB CIRCULAR A-88

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular A-88 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: It is expected that OMB will publish a draft of its Circular in the Federal Register and obtain public comments. The specific form and nature of our action is expected to be mandated by OMB.

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA29

554. ADMINISTRATION OF GRANTS-SINGLE AUDIT ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505; PL 98-502, Sec 7505 Single Audit Act of 1984

CFR Citation: 45 CFR 74.62(a), (Revised); 45 CFR 74, Appendix I; 45 CFR 74, Appendix J

Legal Deadline: None.

Abstract: This action implements the Single Audit Act of 1984 and OMB Circular A-128 by requiring recipients that are governments to comply with Circular A-129. That Circular provides governmentwide standards for implementing the Act. The Act, Circular and these amendments replace Attachment P to Circular A-102. Attachment P contained the previous Federal policy on non-Federal audits of governmental recipients of Federal grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/06/85	50 FR 31715
Final Action	00/00/00	

Small Entity: No

Additional Information: Next Action Awaits OMB Issuance of Circular A-102

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA30

555. REIMBURSEMENT OF INDIRECT COSTS UNDER PROJECT GRANTS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.105(a)(1)

Legal Deadline: None.

Abstract: The HHS Staff Manual on Grants Administration would be revised to implement a recommendation by the Office of Science and Technology Policy that all Federal agencies adopt the National Science Foundation's practices for the award and payment of indirect costs. Grants would no longer be subject to upward adjustment based on changing indirect cost rates or base amounts. In addition, rebudgeting of funds from direct to indirect costs would be subject to the prior approval of the awarding agency. These changes would reduce both government and grantee administrative effort and could result in annual savings up to $7 million of current obligational authority and $28 million of obligations against lapsed appropriations. Finally, peer review panels will be provided with the indirect as well as the direct cost portion of proposed grant budgets. 45 CFR 74.105 (a) (1) would be revised to include the prior approval requirement stated above.

Timetable:

Action	Date	FR Cite
NPRM	08/13/86	51 FR 28983
Notice for Public Comment	08/13/86	51 FR 28983
NPRM Comment Period End	10/14/86	
Public Comment Period End	10/14/86	
Issue Revised Departmental Policy	03/00/87	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Joel B. Feinglass, Director, Office of Assistance and Cost Policy, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, SW, Room 513D Hubert H. Humphrey Building, Washington, DC 20201, 202 245-7565

RIN: 0991-AA33

556. WITHHOLDING MEDICAID PAYMENTS TO PROVIDERS UNDER CRIMINAL INVESTIGATION

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 455

Legal Deadline: None.

Abstract: This rule specifically encourages State Medicaid agencies to withhold program payments to providers without first granting administrative review where (1) there is an ongoing criminal investigation against the provider, or (2) the State agency has reliable evidence of fraudulent activity by the provider.

Timetable:

Action	Date	FR Cite
NPRM	12/10/86	51 FR 44490
NPRM Comment Period End	02/09/87	

HHS—OS

Final Rule Stage

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: No

Agency Contact: Clarke Bowie, Special Projects Officer, Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-1827

RIN: 0991-AA36

557. ● BLOCK GRANT PROGRAMS

Significance: Agency Priority

Legal Authority: PL 99-425

CFR Citation: 45 CFR 96

Legal Deadline: Statutory, November 29, 1986.

Abstract: The regulation provides procedures by which the Secretary may exempt states from the statutory time limits that they must meet in responding to requests for crisis assistance under the low income house energy assistance program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/86	45 FR 96
Final Action	05/30/87	
Final Action Effective	05/30/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Intergovernmental Policy, Department of Health and Human Services, Office of the Secretary, 447D, Humphrey Building, 200 Independence Ave., SW, Washington, DC 20201, 202 245-7316

RIN: 0991-AA38

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Completed Actions

558. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES — CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION

Significance: Agency Priority

CFR Citation: 45 CFR 95.600; 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641; 45 CFR 95.624, (New)

Completed:

Reason	Date	FR Cite
Final Action	12/18/86	51 FR 45321
Final Action Effective	01/20/87	51 FR 45321

Small Entity: No

Agency Contact: Ron Lentz 202 245-7354

RIN: 0991-AA14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Departmental Management (HHSDM)

Proposed Rule Stage

559. ● IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None.

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, HHS North Building, 330 Independence Avenue, SW, Washington, DC 20201, 202 475-0150

RIN: 0990-AA02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Departmental Management (HHSDM)

Completed Actions

560. CLAIMS COLLECTION

CFR Citation: 45 CFR 30, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	01/05/87	52 FR 260

Small Entity: No

Agency Contact: Sarah Hertz 202 475-0155

RIN: 0990-AA00

561. GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

CFR Citation: 45 CFR 201.66, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	01/05/87	52 FR 273

Small Entity: No

Agency Contact: Sarah Hertz 202 475-0155

RIN: 0990-AA01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Human Development Services (HDSO)

Prerule Stage

562. HEAD START PROGRAM-PRERULEMAKING ACTION

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1301; 45 CFR 1302; 45 CFR 1303; 45 CFR 1304; 45 CFR 1305

Legal Deadline: None.

Abstract: The existing Head Start program regulations will be examined to determine whether rulemaking procedures should be initiated to update, clarify or remove unnecessary provisions from the Code of Federal Regulations. All Head Start program issuances will be reviewed and will be updated, clarified, consolidated, rescinded or included in revised proposed regulations as necessary.

Timetable:

Action	Date	FR Cite
Completion of Pre-Rulemaking Deliberations	12/00/87	

Small Entity: No

Agency Contact: Mr. Clennie H. Murphy, Jr., Acting Associate Commissioner, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, Head Start Bureau, OHDS P.O. Box 1182, Washington, DC 20013, 202 755-7782

RIN: 0980-AA15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Human Development Services (HDSO)

Proposed Rule Stage

563. FOSTER CARE MAINTENANCE PAYMENTS, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES -- NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 670 et seq; Federal Payment for Foster Care and Adoption Assistance; 42 USC 620 et seq Child Welfare Services; 42 USC 1320 Rules and Regulations

CFR Citation: 45 CFR 1356; 45 CFR 1357

Legal Deadline: None.

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Jane N. Burnley, Ph.D., Associate Commissioner, Children's Bureau, ACYF, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20201, 202 755-7600

RIN: 0980-AA08

564. HEAD START PROGRAM--FINAL RULE

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1301

Legal Deadline: None.

Abstract: This rule would amend existing regulations governing the recruitment and selection of Head Start staff. The proposed rule would emphasize the importance of careful screening of employees in Head Start programs by requiring that Head Start programs have formal personnel policies and procedures in place that will provide safeguards against the possibility of abuse and neglect, including sexual abuse, occurring in the Head Start program.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13253
NPRM Comment Period End	06/03/85	50 FR 13253
NPRM	08/00/87	

Small Entity: No

Agency Contact: Ms. Terry A. Lewis, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Administration for Children, Youth and

Families, HDS/HHS, PO Box 1182, Washington, DC 20013, 202 755-8208

RIN: 0980-AA10

565. RUNAWAY AND HOMELESS YOUTH PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 5701 Note The Runaway and Homeless Youth Act, as amended

CFR Citation: 45 CFR 1351

Legal Deadline: None.

Abstract: These rules will make technical changes to modify 45 CFR 1351 to conform to changes in legislation that: (1) provide for making grants to any eligible entity and no longer restrict grants to nonprofit entities; and (2) refer to "family" or "families" in place of "parent," "parents," and/or "legal guardian(s)."

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Paget W. Hinch, Associate Commissioner, ACYF/HDS, Department of Health and Human Services, Office of Human Development Services, Family and Youth Services Bureau, ACYF/HDS, PO Box 1182, Washington, DC 20013, 202 472-4426

RIN: 0980-AA11

566. HEAD START PROGRAM - CRITERIA FOR SELECTION OF NEW GRANTEES

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 42 CFR 1302

Legal Deadline: None.

Abstract: The NPRM will propose additional new criteria that, if adopted, will be used in the selection of new Head Start grantees.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch, Head Start Bureau ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 755-0590

RIN: 0980-AA17

567. HEAD START PROGRAM - PROGRAM DESIGN AND PROGRAM OPTIONS

Significance: Agency Priority

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None.

Abstract: The NPRM will propose changes in existing regulations related to program design including class size, hours of operation, and program options such as center-based and home-based Head Start services. The NPRM will also propose, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 755-0590

RIN: 0980-AA18

568. HEAD START PROGRAM - PERFORMANCE STANDARDS FOR INFANTS AND TODDLERS

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1307

Legal Deadline: None.

Abstract: The NPRM will propose to establish a new part 1307 setting forth proposed performance standards that must be used in providing Head Start services to infants and toddlers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Pamela Coughlin, Director, Program Support Division, Head Start Administration, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 755-7782

RIN: 0980-AA19

569. HEAD START PROGRAM - REVISION OF THE APPEALS PROCESS

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1303

Legal Deadline: None.

Abstract: The NPRM will propose revisions to current procedures for appeals from Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch, Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 755-0590

RIN: 0980-AA20

570. ● PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN - NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 9839

CFR Citation: 45 CFR 1308

Legal Deadline: None.

Abstract: The NPRM will propose to establish a new part 1308 setting forth proposed performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Agency Contact: Jane DeWeerd, Child Development Specialist, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, PO Box 1182, Washington, DC 20013, 202 755-7944

RIN: 0980-AA21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Office of Human Development Services (HDSO)

571. DEVELOPMENTAL DISABILITIES PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: Statutory, April 19, 1985.

Abstract: This rule proposes to amend the regulations that implement the Developmental Disabilities Assistance and Bill of Rights Act of 1984 (Pub. L. 98-527). The regulations include changes in reporting and paperwork requirements. They also propose to delete the regulatory requirements in 45 CFR Part 1387 regarding Special Projects of National Significance and propose new program criteria for the University Affiliated Facilities program.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25904
NPRM Comment Period End	09/15/86	51 FR 25904
Final Action	12/00/87	

Small Entity: No

Agency Contact: James Colarusso, Department of Health and Human Services, Office of Human Development Services, Administration on Developmental Disabilities, OHDS/HHS, Rm 336-E HHH Bldg, 200 Independence Ave SW, Wash., DC 20201, 202 245-2904

RIN: 0980-AA12

572. ● CONSOLIDATION OF GRANTS TO THE INSULAR AREAS -- FINAL RULE WITH COMMENT PERIOD

Legal Authority: 48 USC 1469a

CFR Citation: 45 CFR 97

Legal Deadline: None.

Abstract: This is a final rule to amend the list of Department of Health and Human Services formula and block grant programs which may be consolidated by the insular areas. The rule deletes the Primary Care Block Grant as it has been repealed by Congress. It adds four new HDS formula grant programs recently enacted: (1) Dependent Care Planning and Development State Grants; (2) the Family Violence Prevention and Services Act; (3) the Children's Justice Act; and (4) the Child Development Associate Scholarship Assistance Act.

Timetable:

Action	Date	FR Cite
Final Action	03/25/87	52 FR 9494

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Howard A. Foard, Jr., Office of the Deputy Under Secretary, Department of Health and Human Services, Office of Human Development Services, Hubert H. Humphrey Bldg., Room 632-F, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-6036

RIN: 0980-AA22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Office of Human Development Services (HDSO)

573. CHILD ABUSE & NEGLECT PREVENTION & TREATMENT PROGRAM--FINAL RULES

Significance: Regulatory Program

CFR Citation: 45 CFR 1340

Completed:

Reason	Date	FR Cite
Final Action	02/06/87	52 FR 3990
Final Action Effective	03/09/87	

Small Entity: No

Agency Contact: Jay Olson 202 245-2859

RIN: 0980-AA14

574. HEAD START PROGRAM - MULTIPLE YEARS OF SERVICE

CFR Citation: 45 CFR 1305

Completed:

Reason	Date	FR Cite
Withdrawn	10/00/86	

Small Entity: No

Agency Contact: Doug Klafehn 202 755-0590

RIN: 0980-AA16

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Social Security Administration (SSA)

575. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; SIMPLIFIED FEE PROCESS FOR REPRESENTATIVES OF CLAIMANTS

Significance: Regulatory Program

Legal Authority: 42 USC 406(a); 42 USC 1383(d)(2); 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart R; 20 CFR 416, Subpart O

Legal Deadline: None.

Abstract: The proposed regulation will revise the method for setting fees for representation. The current procedure has been criticized as too subjective and as resulting in excessively high fees. Also, Social Security Rulings on escrow accounts would be included. The regulations will result in a negligible administrative savings to SSA. There would also be a reduction in the amount of fees paid by beneficiaries.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-6785

RIN: 0960-AA64

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576. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 4.00 of Appendix 1 of the Disability regulations (404.1501 through 404.159) describes cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity. We are reviewing this section of the Listing of Impairments and are anticipating the need for revising the criteria to bring them more up to date with current medical technologies and practice in this area of medicine which is advancing rapidly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7337

RIN: 0960-AA99

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577. DISCLOSURE OF PERSONAL INFORMATION TO LAW ENFORCEMENT AGENCIES AND COURTS (PRERULEMAKING ACTIVITY)

Significance: Regulatory Program

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 1306; 26 USC 6103

CFR Citation: 20 CFR 401.315

Legal Deadline: None.

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only when a violent crime has been committed and the subject of the information has been either indicted or convicted of that crime, or when relevant to the investigation or prosecution of criminal activity involving a social security program or other governmental health or income maintenance program. These rules severely restrict permissible disclosures. In view of the public interest in law enforcement SSA is considering a change in policy that will expand the circumstances in which information can be disclosed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB66

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578. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUDICATION OF SOCIAL SECURITY DISABILITY CLAIMS (PRE-RULEMAKING ACTIVITIES)

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None.

Abstract: The Disability Program is a dynamic program that is subject to ongoing review and change. It is essential that certain actions be taken that ensure the rules under which the program operates (a) reflect legislative changes, (b) reflect technological changes, and (c) are complete. In addition, the public must have an opportunity to comment on these rules. More specifically our goals are as follows: (A) To implement PL 98-460, the Disability Benefits Reform Act of 1984, in a way that is consistent with legislative intent and administrative effectiveness. (B) To develop disability guidelines, procedures, and policies which can be consistently interpreted and applied throughout all levels of the disability process and are in compliance with P.L. 98-460, section 10, which requires uniform standards for disability adjudication to be published as regulations. (C) To assure that disability program policies and adjudicative criteria are consistent with the latest advances in medicine and vocation assessment and realistic in relationship to measurements available for assessing disability.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This entry does not describe one regulation but is descriptive of a number of regulations which may result from our review of disability rulings as required by section 10 of PL 98-460.

Agency Contact: Richard Fussell, Department of Health and Human Services, Social Security Administration, 3-A-11 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-6448

RIN: 0960-AB73

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579. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPOINTING ALJ'S TO HEAR AND DECIDE CASES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 30 USC 923; 30 USC 936

CFR Citation: 20 CFR 404.929; 20 CFR 416.1429; 20 CFR 410.630; 20 CFR 410.634

Legal Deadline: None.

Abstract: The current regulations on assigning ALJ's to hear and decide cases do not discuss (1) the assignment of ALJ's in rotation to hear and decide cases; or (2) the exceptions to assigning ALJ's in rotation. In addition, the current regulations provide that once an ALJ has been assigned to conduct a hearing, the case may be reassigned to another ALJ "if circumstances warrant." The regulations do not discuss the circumstances which would warrant (1) assigning another ALJ to conduct the hearing; or (2) assigning another ALJ to decide a case after the original ALJ has

conducted the hearing. The regulatory changes would clarify these matters by explaining the rotation system of assignment and the exceptions to assigning ALJ's to cases in rotation, and by explaining the circumstances which warrant reassignment of a case to a different ALJ from the one to whom the case was initially assigned.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AB97

580. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROCEEDS FROM HOME EQUITY CONVERSION (HEC) PLANS AS INCOME

Legal Authority: 42 USC 1302; 42 USC 1382a; 42 USC 1383

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1120; 20 CFR 416.1121

Legal Deadline: None.

Abstract: Under current policy, payments received by a person as a result of a Home Equity Conversion (HEC) (e.g., reverse mortgage, sale lease back, etc.) are not considered income. The change in regulations would result in these payments being considered income. This change is being made in the realization that HEC's generate cash available for food, clothing, or shelter and meet the definition of income in 20 CFR 416.1102. Program costs and savings are considered insignificant.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3409

RIN: 0960-AC00

581. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL EVALUATION CRITERIA FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P, Appendix 1

Legal Deadline: None.

Abstract: Section 10.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes multiple body system impairments which are severe enough to prevent a person from doing any gainful activity. We are proposing to add the criteria for evaluation of AIDS to this section. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AC06

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

582. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 602; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404, Subpart U; 20 CFR 416, Subpart F

Legal Deadline: None.

Abstract: These proposed rules would revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive and monthly title II benefits received by a representative payee who lives in the Aid to Families with Dependent Children (AFDC) Assistance Home, on behalf of a child who is a member of the AFDC Unit are income available to the AFDC Unit and may be used for other members of the Unit. If the representative payee does not live in the AFDC Home title II benefits are considered income for AFDC purposes and may be used for the unit only to the extent that the payee provides these funds to the AFDC household for the beneficiary's maintenance. Potential costs and benefits are not available at this time. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AA90

583. PUBLIC ASSISTANCE PROGRAMS, TREATMENT OF REPLACEMENT CHECKS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.70

Legal Deadline: None.

Abstract: This proposed regulation will require States to report on their quarterly statement of expenditures the Federal share of previously claimed assistance checks which are determined to be: (1) replacements of checks cashed by eligible recipients, or (2) original checks cashed by persons other than the authorized payee. This rule will also clarify procedures for claiming Federal Financial Participation for duplicate checks.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	
NPRM Comment Period End	08/30/87	

Small Entity: No

Agency Contact: Arleen Gahan, Acting Director, OIC, Family Support Administration, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AA96

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584. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 3.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity. We are proposing comprehensive revision to that section to require consideration of the nature and clinical manifestations of respiratory disorders, as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7337

RIN: 0960-AB00

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585. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 1.00 of Appendix 1 to the Disability Regulations 404.1501 through 404.1599 describes those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AB01

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586. BLACK LUNG PROGRAM; ESTABLISHING DEPENDENCY OF SURVIVING DIVORCED WIFE AND COMPUTATION OF BASIC RATE

Legal Authority: 30 USC 801

CFR Citation: 20 CFR 410

Legal Deadline: None.

Abstract: These proposed regulations correct several errors in our regulations relating to the Black Lung Benefits Program, update the formula for determining the monthly black lung benefit amount, and change the heading of 20 CFR 410 to "Federal Mine Safety and Health Act of 1977."

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 597-3409

RIN: 0960-AB05

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587. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCOME; BILLS PAID FOR YOU

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(g); 20 CFR 416.1103(a) to (b)

Legal Deadline: None.

Abstract: Federally funded needs based payments are counted dollar for dollar as income for SSI purposes regardless of the manner in which they are paid (e.g., directly to a vendor). Bills paid by "someone else" (e.g., a relative or friend) are not income. Regulations need clarification that "someone else" does not mean another federally funded needs based program. Also, cash provided by a governmental medical or social services agency is not income if it is either repayment for, or designated for the future payment of, a program-approved service.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3409

RIN: 0960-AB09

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588. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 465; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: Statutory, April 7, 1985.

Abstract: The proposed regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The proposed regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history in most cases. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AB22

589. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME--FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None.

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The proposed regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Not Applicable

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, 301 594-3409

RIN: 0960-AB29

590. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM REOPENING AND REVISING DETERMINATIONS AND DECISIONS WHERE THERE IS CLEAR ERROR OR NEW AND MATERIAL EVIDENCE

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957; 42 USC 401

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F

Legal Deadline: None.

Abstract: These proposed rules would change existing rules when a determination or decision affecting someone's rights may be reopened and revised. These changes would permit reopening more than 4 years after the date of the notice of the initial determination so that we can correct clerical errors or errors on the face of the evidence considered in making the determination or decision. We are proposing to make these changes so that we can correct erroneous determinations or decisions discovered more than 4 years after the date of the notice of the initial determination. This should result in a small case saving of $78.6 million in benefit payments per year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AB34

591. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a (New); 20 CFR 404.902

Legal Deadline: None.

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	07/00/88	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-6785

RIN: 0960-AB38

592. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416, Subpart E

Legal Deadline: None.

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. They will apply the 10 percent requirement only to recipients in current payment status. However, recovery of an overpayment by withholding from SSI payments due will be suspended when a recipient is subject to the $25 payment limitation (living arrangement D). The 10 percent limit will not apply in situations involving installment agreements, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud or willful misrepresentation. They will, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after factual evaluation. Such cases will also be considered initial determinations for (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: which the recipient has appeal rights. Estimated costs are FY 1986--$2 million, FY 1987--$2 million, FY 1988--$2 million, FY 1989--$2 million.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB40

593. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Regulatory Program

Legal Authority: 42 USC 205; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Legal Deadline: None.

Abstract: These proposed regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, 301 594-7415

RIN: 0960-AB41

594. OASDI & SSI PROGRAMS; OVERPAYMENTS, UNDERPAYMENTS, WAIVER OF RECOVERY OF OVERPAYMENTS, AND LIABILITY OF A CERTIFYING OFFICER

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a (New)

Legal Deadline: None.

Abstract: These proposed rules implement section 12113 of Pub. L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) enacted April 7, 1986. That legislation establishes liability for recovery of a Social Security benefit overpayment in certain cases when the beneficiary is deceased. Also, we propose to amend the definition of Social Security benefit overpayment and underpayment to provide for direct deposit of benefits and for garnished amounts that are paid under section 459(a) of the Social Security Act. We specify who is liable for an overpayment under other conditions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB78

595. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROPERTY HELD IN TRUST OR OTHER SIMILAR LEGAL DEVICES WHEN THE PROPERTY IS AVAILABLE FOR A BENEFICIARY'S SUPPORT AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None.

Abstract: This proposed regulation provides that assets held in any revocable or irrevocable trust or any other similar legal device including but not limited to gifts made in accordance with the Uniform Gifts to Minors Act, if available for the beneficiary's support and maintenance, will be a countable resource. It would include as a resource trust assets that are disbursed to the beneficiary either at the discretion of the trustees or at the direction of the trustor because such disbursement would adversely affect the beneficiary's eligibility for Supplemental Security Income benefits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	05/00/88	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AB79

596. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; DETERMINING FIRST MONTH OF ENTITLEMENT BASED ON ONE-HALF SUPPORT

Legal Authority: 42 USC 402(d)(9)(B)

CFR Citation: 20 CFR 404.366(b)

Legal Deadline: None.

Abstract: Under present regulations, an insured person can be found to be providing one-half support to a claimant if he or she makes regular contributions for support and the amount exceeds one-half of the claimant's ordinary living costs. The proposed regulations change would more accurately reflect that the claimant's total income for support purposes is always considered in the support determination. Any income (from sources other than the insured person) is considered to be available for support whether or not that income is actually used for ordinary living costs. The change would more specifically address the situation where a claimant elects to invest or otherwise segregate his or her own income and claim one-half support from the insured person. This situation will most frequently arise in cases involving Government pension offset. There would be no significant costs/ savings since the policy is already being interpreted in this manner.

Timetable:

Action	Date	FR Cite
NPRM	01/20/87	52 FR 02116
NPRM Comment Period End	03/23/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7460

RIN: 0960-AB83

597. ● ORGANIZATION AND PROCEDURES; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC--SOCIAL SECURITY RULINGS--ACQUIESCENCE SERIES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422

Legal Deadline: None.

Abstract: These interim regulations describe a new type of Social Security Ruling which is available to the public and which is applied at certain levels of the Social Security Administration's adjudicative process. These regulations will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 02557
NPRM Comment Period End	03/24/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Phil Berga, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7452

RIN: 0960-AB85

598. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGEMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: 25 USC 1407; 25 USC 1172; 25 USC 1176; 43 USC 1601ff

CFR Citation: 20 CFR 416, Subpart K, Appendix; 20 CFR 416.1236; 20 CFR 1234

Legal Deadline: None.

Abstract: Proposed changes will update the regulations to reflect the provisions of Pub.L. 97-458 and Pub.L 98-64, concerning exclusions from income and resources provided for Native Americans and clarify SSI treatment of funds and land distributed to Alaskan natives under Pub.L. 92-203, as amended. The regulatory change will result in Federal program savings of less than $1 million annually and administrative costs that would not be significant.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3469

RIN: 0960-AB86

599. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REDUCTION BECAUSE OF ENTITLEMENTS TO OTHER BENEFITS

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 1302; 42 USC 402

CFR Citation: 20 CFR 404.407, (Revision); 20 CFR 404.612

Legal Deadline: None.

Abstract: Section 202(k)(4) of the Social Security Act discusses simultaneous entitlement to retirement and disability insurance benefits (RIB/DIB) and provides that SSA will pay the higher benefit unless the claimant elects to be paid the lower. Section 223(a)(1) explains that an application for DIB may be filed by someone other than the number holder (NH) within 3 months after the month of the NH's death. Strict interpretation had been made of section 202(k)(4) so that no one other than the NH (or proper applicant on behalf of a living NH) could make the election described in section 202(k)(4). In section 404.612(d) of the CFR, the explanation of section 223(a)(1) is given. We have recently published new operating policy which explains that the same person who files an application pursuant to CFR section 404.612(d) may make the election described in CFR 404.407(c).

We are proposing to change CFR 404.407(c) to clarify that the person described in section 404.612(d) may make the election discussed in section 202(k)(4).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: We foresee minimal costs from this change since the number of potentially affected beneficiaries is small and the period of

time during which they will receive the higher family maximum amount (based on the RIB) will only be for the months during which the deceased NH is simultaneously entitled to DIB. Also, this cost will be offset by administrative savings since overpayments will not be created and have to be recovered in situations where individuals are able to elect the lower family maximum (based on DIB) on behalf of the deceased NH.

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB87

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600. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; SUPPLEMENTAL SECURITY INCOME PROGRAMS; EFFECTUATING COMPONENT RECOMMENDATION THAT THE APPEALS COUNCIL REVIEW AN ALJ DECISION

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 1383a; 30 USC 923

CFR Citation: 20 CFR 404.955; 20 CFR 404.967a; 20 CFR 404.987; 20 CFR 410.662a; 20 CFR 416.1455; 20 CFR 416.1467a, (New); 20 CFR 416.1487

Legal Deadline: None.

Abstract: These proposed regulations add to our regulations procedures under which a Social Security component responsible for carrying out an administrative law judge hearing decision may recommend to the Appeals Council that the Appeals Council review the decision. Also, we are revising our regulations to make it clear that the Social Security Administration may reopen a final determination or decision on its own initiative. We are adding these rules to our regulations to make the public aware of these procedures and clarify any ambiguous issues.

The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB90

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601. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; USE OF WORK EVALUATIONS TO EVALUATE INDIVIDUALS WITH MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.1548; 20 CFR 416.948

Legal Deadline: None.

Abstract: The regulations that we are proposing provide the necessary guidelines for the disability determination services when it is necessary to refer individuals with mental impairments for a work evaluation. Work evaluations are needed in certain disability cases (both title II and title XVI) when it is necessary to evaluate the individual's ability to carry out the mental requirements of past work or other work available in the economy.

Timetable:

Action	Date	FR Cite
Notice	03/11/85	50 FR 9770
NPRM	09/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Hugh A. Meade, Jr., Director, Division of Medical & Vocational Policy, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB92

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602. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; DETERMINING DISABILITY AND BLINDNESS, MEDICAL-VOCATIONAL GUIDELINES, ILLITERACY AND INABILITY TO COMMUNICATE IN ENGLISH

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 404P, Appendix 2

Legal Deadline: None.

Abstract: The proposed changes will clarify the meaning of the terms "illiteracy" and "inability to communicate in English" as they are used in the disability adjudication regulations. Since only the Secretary of the Department of Health and Human Services and his or her delegates are empowered to administer the title II and title XVI disability and blindness programs these changes must be made on a Federal level. The Supplemental Security Income program incorporates by reference and uses the same medical-vocational criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB94

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603. SUPPLEMENTAL SECURITY INCOME PROGRAM; SPOUSAL DEEMING COMPUTATION INVOLVING STATE SUPPLEMENTATION

Legal Authority: Bouchard v. Secretary, USDC (Mass) Civil No. 78-0632-F; 42 USC 1382e; Livermore v. Heckler, 743F. 2d 1396 (9th Cir. 1984)

CFR Citation: 20 CFR 416.1163(d); 20 CFR 416.2025(b)

Legal Deadline: None.

Abstract: This proposed rule would use the Livermore decision as the basis for a nationwide policy providing that for purposes of calculating State supplementary payments an optional State supplementary rate for a couple would be used instead of the rate for an individual in spousal deeming cases.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security

Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7460

RIN: 0960-AB95

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604. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P, Appendix 1, Part B

Legal Deadline: None.

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe those mental impairments that apply only to the evaluation of impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AB96

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605. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.953; 20 CFR 404.969; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1469; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.968; 20 CFR 416.1455; 20 CFR 416.1496, (New)

Legal Deadline: None.

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ can make only a recommended decision on the case, and the Appeals Council must review that decision and take further action in every case before the decision becomes final. This can involve delay. The proposed regulation would permit the ALJ to make a decision which would become final unless, within 30 days after the decision is received, the claimant files exceptions or within that period requests an extension of time to file exceptions, or within 60 days after the date of the decision the Appeals Council takes jurisdiction. The change will permit prompter final decisions and some administrative savings. It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7452

RIN: 0960-AC07

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606. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROHIBITION ON DIRECT PAYMENT OF FEES TO REPRESENTATIVES

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1520; 20 CFR 416.1525; 20 CFR 416.1528; 20 CFR 416.1335

Legal Deadline: None.

Abstract: In these proposed rules, we will state explicitly our policy of not withholding money from a claimant's retroactive SSI benefits to pay a fee directly to the claimant's representative. We believe that no authority exists under the Social Security Act for such withholding. Furthermore, such withholding is prohibited by the assignment provisions of section 207 of the Social Security Act. We expect no costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AC08

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607. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CHRONIC RENAL DISEASE

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1383(a)(4)(B)

CFR Citation: 20 CFR 416.934

Legal Deadline: None.

Abstract: We may pay benefits to a person applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination when available information indicates a high probability that disability exists. These findings of presumptive disability and blindness may be made at the Social Security district offices only for specified impairment categories; at the State agencies, they may be made for any impairment category. We are proposing to add renal disease requiring dialysis on a regularly scheduled basis to these categories in view of the predictability that the disease will result in a finding of disability. We are also proposing a restructuring of our regulations to show more clearly that two of these impairment categories require confirming contacts before findings of presumptive disability may be made by district office.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security

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Boulevard, Baltimore, Maryland 21235, 301 594-7415

RIN: 0960-AC10

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608. SUPPLEMENTAL SECURITY INCOME PROGRAM; DEFINE OUT OF RESOURCES FOR ONE MONTH CERTAIN CASH PAYMENTS FOR MEDICAL/SOCIAL SERVICES

Legal Authority: 42 USC 1382(a)(1)(B)

CFR Citation: 20 CFR 416.1201(a)

Legal Deadline: None.

Abstract: The proposed revision would provide that, for one calendar month following receipt, money paid by a medical or social services program to enable someone to pay for an approved service would not be a resource. If still unexpended after a month, the money would be considered available for basic living expenses and so would be a resource. This will allow people a reasonable time in which to pay for services without affecting their supplemental security income eligibility. (The change would not apply to money which simply reimburses a person for a service payment already made.)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7463

RIN: 0960-AC11

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609. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPEALS COUNCIL REVIEW AND REOPENING AUTHORITY

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.970; 20 CFR 404.968a; 20 CFR 416.1470; 20 CFR 416.1468a, (New)

Legal Deadline: None.

Abstract: These regulations clarify the authority of the Appeals Council, as the highest adjudicatory body within the Social Security Administration, to review an administrative law judge decision or dismissal for any reason within 60 days after the date of a hearing decision or dismissal. The current regulations have been misinterpreted as limiting the scope of the Appeals Council review authority. The regulations also make it clear that where the Appeals Council grants a claimant's request to review an ALJ's decision, the Appeals Council reviews the entire record and may change the decision in its entirety, including those portions which were decided favorably to the claimant. Finally, these regulations make it clear that the Appeal's Council authority to reopen and revise an administrative law judge's decision is separate from and in addition to the Appeals's Council authority to review an administrative law judge's decision.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7452

RIN: 0960-AC15

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610. OLD-AGE SURVIVORS AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404

Legal Deadline: None.

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program", "court of law", and "reasonable time", for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Brian Makoff, Acting Director, Division of Vocational Rehabilitation and Special Programs, Department of Health and Human Services, Social Security Administration, Office of Disability, 3-A-9 Operations Bldg., 6401 Security Blvd., Baltimore, Maryland 21235, 301 597-1775

RIN: 0960-AC16

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611. ● OLD-AGE, SURVIVIORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY

Legal Authority: 42 USC 423; Iamarino v. Heckler, 795 F.2d 59 (8th Cir. 1986)

CFR Citation: 20 CFR 404.1574; 20 CFR 416.974

Legal Deadline: None.

Abstract: In Iamarino v. Heckler, the court held that the positive presumption of substantial gainful activity (SGA) set forth in 20 CFR sec. 404.1574(b)(2) does not apply to sheltered workshop employment. We will be changing the regulations in order to clarify that the positive presumption does apply.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7460

RIN: 0960-AC21

612. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EMPLOYMENT OPPORTUNITIES FOR THE DISABLED

Legal Authority: PL 99-643, Sec 2; PL 99 643, Sec 3; PL 99-643, Sec 4; PL 99-643, Sec 5

CFR Citation: 20 CFR 416.200ff; 20 CFR 416.401ff; 20 CFR 416.901ff; 20 CFR 416.1100ff; 20 CFR 416.1325ff; 20 CFR 416.1403; 20 CFR 416.2040; 20 CFR 416.1402; 20 CFR 416.1404

Legal Deadline: None.

Abstract: These proposed regulations will implement statutory changes contained in sections 2, 3, 4, and 5 of P.L. 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; (2) allow certain blind and disabled beneficiaries to receive up to 2 months of SSI benefits during temporary periods when they are in certain institutions; (3) simplify the transitions among regular SSI status, special benefit status, and special Medicaid status; and (4) require that SSI recipients be appropriately informed of the availability of section 1619 benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7337

RIN: 0960-AC22

613. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ENTITIES AS REPRESENTATIVES OF SS CLAIMANTS; FEE PAID BY THIRD PARTY

Legal Authority: 42 USC 405; 42 USC 406(a); 42 USC 1302; 42 USC 1383(d)(2); 30 USC 921; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957

CFR Citation: 20 CFR 404, Subpart R; 20 CFR 410, Subpart F; 20 CFR 416, Subpart O

Legal Deadline: None.

Abstract: In these proposed regulations, we will recognize an entity as a claimant's representative in processing his claim for benefits, in the same way that we now recognize an individual as representative. We will also exempt from our fee approval rules a representative whose fee will be paid by a third party, with no liability to the represented claimant.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AC25

614. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Significance: Agency Priority

Legal Authority: 42 USC 1382b; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

Legal Deadline: None.

Abstract: This proposed regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7460

RIN: 0960-AC26

615. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGES

Legal Authority: PL 98-21; PL 99-514

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1047; 20 CFR 404.1049; 20 CFR 404.1050; 20 CFR 404.1061; 20 CFR 404.1062; 20 CFR 404.1063; 20 CFR 404.1064

Legal Deadline: None.

Abstract: P. L. 98-21, the Social Security Amendments of 1983, changed the timing of crediting deferred compensation for Social Security purposes. It also changed the treatment of retirement pay depending upon whether it is paid under a qualified deferred compensation plan. Further, it excluded from coverage various fringe benefits and payments under a Simplified Employee Pension Plan (SEP). Finally, the amendments codify certain provisions pertaining to meals and lodging and tax-sheltered annuities. P. L. 99-514 excludes from coverage payments under a cafeteria plan as described in section 125 of the Internal Revenue Code of 1986 and employee achievement awards for Social Security purposes. It extends the exclusions of Educational Assistance Programs and Group Legal Service Plans and removes the exclusion of SEP payments. The regulations will be updated to reflect and implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: Since the new rules are mandated by legislation, any costs or effects upon small entities are a result of the legislation and not a result of the proposed regulations.

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3408

RIN: 0960-AC27

616. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: PL 99-643, Sec 8

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None.

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was

living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. We are changing our regulations to conform to the statutory provision. Annual cost is not expected to exceed $1 million.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7459

RIN: 0960-AC28

617. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; AND ORGANIZATION AND FUNCTIONS; RECORDS OF EARNINGS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 422.125

Legal Deadline: None.

Abstract: This proposed regulation will establish rules on the burden of evidence SSA requires of those requesting correction of the Secretary's record of their earnings, under what conditions the Secretary will assist the requester in obtaining evidence that establishes such records as incorrect, and what types of evidence are required for this purpose. This proposed regulation will reduce the number of unproductive efforts the agency makes to investigate unsubstantiated assertions that the Secretary's records are incorrect and facilitate the correction process in many cases by relying more upon evidence readily available to the requester rather than requiring the agency to attempt to obtain evidence from employer records.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AC30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Final Rule Stage

618. SUPPLEMENTAL SECURITY INCOME PROGRAMS; MANDATORY PASS THROUGH UNDER STATE SUPPLEMENTATION PROVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 1382g(c); PL 97-377, Sec 147; PL 98-21, Sec 402; PL 99-272, Sec 12201 (a)

CFR Citation: 20 CFR 416, Subpart T

Legal Deadline: None.

Abstract: These rules reflect changes in the law which enable States effective for the 12-month period ending 6/82, to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to all current SSI recipients all the Federal cost-of-living benefit increases which have occurred since 12/76. States can meet the pass through requirements by maintaining the payment levels in effect in December of the latest preceding total expenditures period. The concept of "State Supplementary payment level" is changed to a concept of combined supplementary and SSI payment levels applicable to months after 3/83. Also, a State is permitted to reduce its 3/83 State Supplementary payment levels by an amount up to the difference between the amount of the 7/83 general increase in the Federal benefits in 7/83. Also reflected in the rules is a special method of compliance for States meeting the passalong requirements by the total annual expenditures test for the period 7/1/80 through 6/30/81. The total expenditures for that period need only equal or exceed the total (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/26/85	50 FR 07607
Final Action	08/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: expenditures for 7/1/76 through 6/30/77, rather than the total expenditures for the preceding 12-month period. Moreover, these rules provide a special method of compliance for the period January 1, 1984 through December 31, 1986. A State will not be found out of compliance for that period if in the period January 1, 1986 through December 31, 1986, its supplementary payment levels are not less than its supplementary payment levels in effect in December 1976 increased by the percentage by which the Federal Benefit Rate has increased after December 1976 and before February 1986.

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7460

RIN: 0960-AA05

619. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 418; 42 USC 1302; PL 98-21, Sec 103; PL 98-21, Sec 342; PL 99-272, Sec 12110; PL 99-272, Sec 12114; PL 99-272, Sec 13205; PL 99-504, Sec 1895(b)(18)

CFR Citation: 20 CFR 404, Subpart M

Legal Deadline: None.

Abstract: This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many

policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. We also added the provisions of sections 103 and 342 of Pub. L. 98-21. Sec. 103 prohibits termination of existing coverage under the States' agreements. Sec. 342 changes payment of Social Security contributions from once a month to twice a month. When the regulations are published in final form, we will also add language to implement two provisions of Pub. L. 99-272 sec. 12110, which provides a uniform effective date for coverage agreements and modifications of agreements, and sec. 12114, which permits coverage of certain Connecticut State police, and a provision of sec. 9002 of the Omnibus Budget (cont)

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/28/79	44 FR 55899
Notice of Available Working Draft	09/26/80	45 FR 63868
NPRM	05/29/86	51 FR 19468
NPRM Comment Period End	09/26/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: Reconciliation Act of 1986 which transfers from SSA to IRS all responsibility for the contributions and reporting for covered State and local wages paid after 1986.

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-6629

RIN: 0960-AA13

620. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; 42 USC 1382a; 42 USC 1382b

CFR Citation: 20 CFR 416, Subpart M

Legal Deadline: None.

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 597-3408

RIN: 0960-AA22

621. SUPPLEMENTAL SECURITY INCOME PROGRAM; AGE 18 AND ALIEN DEEMING

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1382j; 42 USC 1383; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383(d)

CFR Citation: 20 CFR 416.535; 20 CFR 416.550; 20 CFR 416.570; 20 CFR 416.1148; 20 CFR 416.1149; 20 CFR 416.1160; 20 CFR 416.1161; 20 CFR 416.1163; 20 CFR 416.1165; 20 CFR 416.1166; 20 CFR 416.1166a; 20 CFR 416.1202; 20 CFR 416.1204; 20 CFR 416.1821; 20 CFR 416.1851

Legal Deadline: None.

Abstract: This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75225
NPRM	12/10/81	46 FR 60470
Final Action	04/00/87	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7463

RIN: 0960-AA26

622. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FUTURE EFFECT OF APPLICATIONS AND RELATED CHANGES IN APPEALS COUNCIL PROCEDURES

Legal Authority: 42 USC 402; 42 USC 416; 42 USC 423(b); 42 USC 1302; 42 USC 1383; 42 USC 405; 42 USC 1382; 42 USC 1383b

CFR Citation: 20 CFR 404, Subpart G; 20 CFR 404, Subpart J; 20 CFR 416, Subpart C; 20 CFR 416, Subpart N

Legal Deadline: None.

Abstract: These rules should promote final resolution of cases at the hearing stage and help to reserve Appeals Council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held) or if no hearing is held, before a final determination is made. These rules will generate program savings and administrative costs and savings. These rules also specify that where a claimant files a request for review of an ALJ hearing decision and submits additional evidence, the Appeals Council will consider the evidence only if it relates to the period ruled on by the ALJ.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/16/80	45 FR 61315
NPRM	05/16/83	48 FR 21967

Action	Date	FR Cite
NPRM Comment Period End	07/15/83	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7452

RIN: 0960-AA28

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623. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR PRESUMING A PERSON IS DEAD

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923

CFR Citation: 20 CFR 404, Subpart H

Legal Deadline: None.

Abstract: The proposed regulations revise SSA policy to provide that unless we have evidence that a missing person is alive, we will consider a State or Federal court determination of death as sufficient evidence to presume the death of the missing person. If we are not given a court determination of death, we will presume that a missing person is dead if that person would be presumed to be dead under the law applied by the courts of the State of the person's last known permanent home. If that home was not in a State, we will use the law of the District of Columbia. The new rules will apply only for purposes of determining entitlement to benefits for months beginning with the month of the final rules publication in the Federal Register. The current rules will apply for determining entitlement to benefits for prior months. The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	02/29/84	49 FR 07405
NPRM Comment Period End	04/30/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AA54

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624. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGE COVERAGE UNDER SOCIAL SECURITY

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 327; PL 96-342, Sec 1002(a); PL 97-306, Sec 408; PL 96-499, Sec 1141; PL 98-21, Sec 324

CFR Citation: 20 CFR 404.1043; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1060; 20 CFR 404.1341

Legal Deadline: None.

Abstract: This regulation consists of amendments to 5 rules on wage coverage under Social Security. These amendments are: (1) The value of the meals and lodging furnished for the convenience of the employer must be excluded from the employee's gross income; (2) With only limited exceptions, an employer may no longer exclude from an employee's wages, his or her payment of the employee's FICA tax; (3) Payments by an employer to an employee after the calendar year of the employee's entitlement to disability insurance benefits are not wages if paid in a period the employee did not work; (4) The scope of the entitlement to the deemed wages provided to internees of the camps for Japanese-Americans during World War II period is being broadened; (5) The scope of the entitlement to the deemed wages provided to members of the uniformed services is being narrowed. Only two regulations will have a cost impact. Amendment (1) above will reduce the Social Security benefits paid the affected employees but not by $100 million in any year. Amendment (2) will increase taxes paid by employers and employees but these increases are required by the statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39397
NPRM Comment Period End	12/29/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 597-3408

RIN: 0960-AA55

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625. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None.

Abstract: The proposed rules provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discover an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies. This rule is being proposed because the two-year period in which we may reopen and revise a determination based on new and material evidence we acquire through data and exchange is often too short and often expires before the determination to correct errors revealed by the data can be made. The budgetary impact has not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30499
NPRM Comment Period End	10/27/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7452

RIN: 0960-AA59

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626. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; EFFECT OF PENSION FROM NONCOVERED EMPLOYMENT

Significance: Regulatory Program

Legal Authority: PL 98-21, Sec 113; 42 USC 415; 42 USC 433; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart C

Legal Deadline: None.

Abstract: The provision of section 113 of Pub. L. 98-21 (the Social Security Amendments of 1983) eliminates the windfall that occurs when the heavy weighting in the benefit formula that is intended for workers with low wages goes instead to workers who spent many years in noncovered employment and worked only a few years in covered employment. This will be accomplished by modifying the benefit computation formula to consider a worker's pension from noncovered employment. This provision will decrease program costs by $1 million for 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49558
NPRM Comment Period End	02/03/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6624**

RIN: 0960-AA65

627. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCE LIMITS FOR CONDITIONAL SSI PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 1382b(b); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart L

Legal Deadline: None.

Abstract: Current regulations for the Supplemental Security Income program provide that if countable liquid resources and total countable resources (liquid and nonliquid) do not exceed certain limits, conditional payment is possible while disposing of excess nonliquid resources. This regulation will eliminate the limit on total countable resources and also eliminate an operating assumption that property has no value at all because it did not sell during a conditional payment period.

Timetable:

Action	Date	FR Cite
NPRM	11/13/85	50 FR 46778
NPRM Comment Period End	01/13/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7463**

RIN: 0960-AA75

628. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; US RESIDENCE REQUIREMENTS FOR NON-RESIDENT ALIENS AND DEDUCTIONS FOR WORK OUTSIDE THE U.S

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 340; 42 USC 402(t); 42 USC 403(d); PL 98-369, Sec 2661(g)

CFR Citation: 20 CFR 404.417; 20 CFR 404.460

Legal Deadline: None.

Abstract: These regulations implement Sec. 340 of Pub. L. 98-21--The Social Security Amendments of 1983--which provides a U.S. residence requirement that the dependent or survivor beneficiary must now meet if he or she is an alien outside the U.S. These provisions do not apply to the alien who is an old-age or disability beneficiary who is residing outside the U.S. for more than 6 months. The dependent or survivor beneficiary, however, who is an alien outside the U.S. will not be paid benefits effective January 1, 1985 unless he or she satisfies these new residence requirements. These provisions will effect negligible budget savings, i.e., $50 million for the period 1983-89. Also these regulations implement sec. 2661(g) of Pub. L. 98-369 by substituting a "45 hour" foreign work test for a "7 day" work test when imposing benefit deductions.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 07452
NPRM Comment Period End	05/05/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA76

629. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS-AIDS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.934

Legal Deadline: None.

Abstract: Section 1631(a)(A) of the Social Security Act provides for the payment of benefits to persons applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination of disability when available information indicates a high probability that disability exists. These presumptive disability and blindness decisions may be made at the Social Security district offices in a limited number of impairment categories. We are adding AIDS to these categories.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/85	50 FR 5573
Final Action	00/00/00	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AA79

630. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN NEWLY HIRED FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Legal Authority: PL 98-21, Sec 101; PL 98-118, Sec 4; PL 99-272, Sec 12112; PL 99-335, Sec 301; PL 97-248, Sec 278

CFR Citation: 20 CFR 404.1018

Legal Deadline: None.

Abstract: The proposed regulations would codify section 101 of Pub. L. 98-21, as amended by sec. 4 of Pub. L. 98-118, which generally provides Social Security coverage for certain Federal employees and covers certain payments to retired Federal judges after 1985. Estimated increased revenues (resulting from this legislation) for 1984-1989 are $9.4 billion. Long-range savings are estimated at .28 percent of taxable payroll. Also, the proposed regulations would codify section 12112 of Pub. L. 99-272 which provides exemption from Social Security coverage for retired Federal judges on active duty. In addition, the proposed regulations would provide: 1) that Federal employees not otherwise subject to the Social Security tax are nevertheless subject to the Health Insurance portion of the tax under Pub. L. 97-248, and 2) that individuals covered by the Civil Service Retirement System may elect during a limited time to be covered under the Federal Employees Retirement System, which includes Social Security coverage.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-6629

RIN: 0960–AA89

631. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE UNDER COLOR-OF-LAW

Significance: Agency Priority

Legal Authority: Berger v. Schweiker No. 76c 1420 (E.D.N.Y. July 31, 1984); Berger v. Heckler 771 F. 2d 1556 (1985); Section 1614(a)(1)(B) of the Social Security Act

CFR Citation: 20 CFR 416.1618

Legal Deadline: None.

Abstract: The proposed rule implements Berger which defines color of law for SSI purposes and sets out categories of aliens who are to be considered permanently residing in the U.S. under color of law. This will enable additional aliens to qualify for Supplemental Security Income benefits. Our preliminary estimates are that the proposed regulations could result in Federal SSI costs of between $7 million and $285 million in FY 1987 and between $9 million and $280 million in FY 1988. Our minimal estimated Medicaid costs for FY 1987, $370 million Federal and $295 million State, and for FY 1988,$420 million Federal and $355 million State.

Timetable:

Action	Date	FR Cite
NPRM	03/19/86	51 FR 09462
NPRM Comment Period End	05/19/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7460

RIN: 0960–AB24

632. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ASSIGNMENT OF RIGHTS TO THIRD-PARTY MEDICAL PAYMENTS TO STATE

Legal Authority: 42 USC 1383c; 42 USC 1396k; 31 USC 0505; 42 USC 1396a; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.2101 to 416.2176

Legal Deadline: None.

Abstract: Our current regulations implementing section 1634 of the Social Security Act provide that SSA will make determinations for the State on whether aged, blind, or disabled people are eligible for Medicaid if the State's Medicaid requirements for these people are the same as SSI eligibility requirements. Sec. 2367 of Pub. L. 98-369 mandates that States require, as a condition of Medicaid eligibility, that a person assign to the State his or her rights (as well as the rights of any other Medicaid eligible person on whose behalf he or she has the legal authority to execute such an assignment of rights) to any medical care and support available under an order of a court or an administrative agency and any third-party payments for medical care (except Medicare). This is a Medicaid requirement that is different from SSI requirements. We plan to amend our regulations to provide that in making the Medicaid eligibility determination under a section 1634 agreement, SSA will also determine that the new assignment requirement has been met. The regulations will similarly allow for any other non-SSI Medicaid requirement mandated by Federal law, such as that added by sec. (cont.)

Timetable:

Action	Date	FR Cite
NPRM	05/09/86	51 FR 17200
NPRM Comment Period End	07/08/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: 9503 of Pub. L. 99-272 (concerning the provision of third party liability data). The resulting cost for SSA is estimated as less than $1 million a year, of which States would pay half. We are also rewriting and reorganizing our regulations for making Medicaid determinations.

Agency Contact: C. H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 597-3408

RIN: 0960–AB28

633. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383; PL 97-455, Sec 2; PL 98-118, Sec 2; PL 98-460, Sec 7

CFR Citation: 20 CFR 404.1597; 20 CFR 404.1597a; 20 CFR 416.995; 20 CFR 416.996

Legal Deadline: None.

Abstract: These proposed rules which implement section 2 of Pub. L. 97-455, section 2 of Pub. L. 98-118 and section 7 of Pub. L. 98-460 provide the following groups with the option to elect to continue receiving benefits/payments pending reconsideration and/or a hearing before an administrative law judge on a medical cessation determination; recipients of disability insurance; adult child's, disabled widow's, disabled widower's, mother's and father's, or spouse's benefits based on having in care a disabled adult child; recipients of benefits based on having in care, a child under age 18 but over age 15, who is disabled and

receiving child's benefits; recipients of SSI benefits based on disability or blindness. Any continued payments are subject to recovery as overpayments, subject to the same waiver provisions now in current law and regulations where the medical cessation decision is upheld on appeal. The estimated additional costs not already funded are FY 1985--$80.1 million, FY 1986--$112.6 million.

Timetable:

Action	Date	FR Cite
NPRM	05/21/86	51 FR 18611
NPRM Comment Period End	07/21/86	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB30

634. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 8; 42 USC 405; 42 USC 421; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1503; 20 CFR 404.1526; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 404.1617; 20 CFR 416.903; 20 CFR 416.926; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 414.1016; 20 CFR 416.1017

Legal Deadline: None.

Abstract: The proposed regulations reflect the provisions of section 8 of PL 98-460 by requiring that we make every reasonable effort to have a qualified psychiatrist or psychologist to complete the medical portion of the case review and any residual functional capacity assessment in unfavorable determinations in mental impairment cases. We are also explaining the qualifications necessary to be considered a qualified psychologist and what we will consider as reasonable effort to obtain the services of a qualified psychiatrist or psychologist. SSA must now make every reasonable effort to see that the services of qualified psychiatrists and psychologists are obtained through proper State administration including, where necessary, raising State fee schedules to provide compensation at the prevailing rates in the community. SSA may also contract directly for these services when the State is unable to provide them due to inadequate compensation or other impediments at the State level. Costs will increase by less than $5 million in the first year that the regulations are effective. These figures were derived from the number of additional physician hours needed for State (cont.)

Timetable:

Action	Date	FR Cite
NPRM	12/13/85	50 FR 50920
NPRM Comment Period End	02/11/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: agency medical consultants.

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AB31

635. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF OVERPAYMENTS WHEN RECIPIENT'S COUNTABLE ASSETS EXCEED LIMITS IN CERTAIN CASES

Legal Authority: PL 98-369, Sec 2613

CFR Citation: 20 CFR 416

Legal Deadline: None.

Abstract: This proposed regulation reflects the provisions of section 2613 of P.L. 98-369 which provides for waiving recovery of an overpayment that is attributable solely to excess resources if the amount of the excess is $50 or less unless the overpaid recipient (and spouse if any) knowingly and willfully failed to report the value of his/her resources accurately and timely.

Timetable:

Action	Date	FR Cite
NPRM	07/18/86	51 FR 26026
NPRM Comment Period End	09/16/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7459

RIN: 0960-AB32

636. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE, PERFORMANCE STANDARD REVISIONS, AND OTHER CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None.

Abstract: The regulations deal with the operation of State agencies which make disability determinations for the Social Security Disability Benefits program and the Supplemental Security Income for the Aged, Blind, and Disabled program under regulations and other written SSA guidelines. The regulations implement recently enacted law which requires the Secretary to take definitive steps within specific time frames to assure the compliance of State agencies with SSA regulations and other written guidelines or proceed to determine their participation in the SSA administered programs. The regulations also make other changes to improve the disability determination process and to clarify and update other administrative requirements. Costs/savings cannot be estimated at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15658
NPRM Comment Period End	06/24/86	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 597-3409

RIN: 0960-AB36

637. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart V; 20 CFR 416, Subpart V

Legal Deadline: None.

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to VRA's for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their medical recovery. The second new provision allows payment to VRA's for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36510
NPRM Comment Period End	12/09/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7460

RIN: 0960-AB37

638. OLD AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1523; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 416.923

Legal Deadline: None.

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. We are revising regulations to reflect that we will now consider the combined effect of impairments to determine severity. When the combined effect is found to be severe, the person's impairments are evaluated under the full sequential evaluation process.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7337

RIN: 0960-AB39

639. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; PERIOD OF DISABILITY--WHEN YOU MAY NOT BE ENTITLED TO BENEFITS

Legal Authority: 42 USC 402; 42 USC 405; 42 USC 416; 42 USC 423; 42 USC 428; 42 USC 1302; 42 USC 425; 42 USC APPENDIX

CFR Citation: 20 CFR 404

Legal Deadline: None.

Abstract: This proposed regulation would prohibit an individual from receiving any underpayment due a beneficiary other than the worker, if the individual requesting the underpayment due the beneficiary intentionally killed that beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	07/25/86	51 FR 26717
NPRM Comment Period End	09/23/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7459

RIN: 0960-AB82

640. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE, SUPPLEMENTAL SECURITY INCOME & BLACK LUNG PROGRAMS--OWN MOTION REVIEW OF FEE DETERMINATION

Legal Authority: 42 USC 405; 42 USC 406; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957; 42 USC 1383

CFR Citation: 20 CFR 404.1720; 20 CFR 410.686; 20 CFR 416.1520

Legal Deadline: None.

Abstract: We proposed revising our regulation on review of attorney fee determinations approved for services before the Social Security Administration (SSA) under titles II and XVI of the Social Security Act and under title IV of the Federal Mine Safety and Health Act. These revised rules, if adopted, would have allowed SSA, on its own motion, to review and revise attorney fee determinations which are clearly based on improper application of the law and regulations, or on an error of fact. In light of the numerous comments we received after the publication of the Notice of Proposed Rulemaking, we are currently reevaluating this regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28834
NPRM Comment Period End	10/14/86	
Withdrawal Notice	04/00/87	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6629

RIN: 0960-AB89

641. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIQUID AND NONLIQUID RESOURCES AND RESOURCES DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382b; 42 USC 1383

CFR Citation: 20 CFR 416.1201; 20 CFR 416.1207, (New)

Legal Deadline: None.

Abstract: SSA is amending its regulations to include a 20-day rule for distinguishing between liquid and nonliquid resources, and a first-of-the-month rule which states that changes in the value existence, or excludability of resources are not taken into account until the first moment of the next month. These policies were published in an NPRM reorganizing and rewriting the entire Subpart L on Resources. We do not plan at this time to publish the entire NPRM as a final rule. We are publishing final regulations on several significant policies which are being divided into two final regulations packages. We are finalizing these two rules at this time since they are needed for clarification. No costs concerning these clarified rules will be incurred since they are currently in effect in operational instructions and are not new policies.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
NPRM Comment Period End	01/07/83	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AC02

642. SUPPLEMENTAL SECURITY INCOME PROGRAM; PENSION FUNDS FOR DEEMING PURPOSES AND GRANDFATHERING PROVISIONS

Legal Authority: 42 USC 1302; 42 USC 1382(g); 42 USC 1382c(f)

CFR Citation: 20 CFR 416.1202; 20 CFR 416.1260

Legal Deadline: None.

Abstract: SSA is amending its regulations to include a rule that pension funds are not counted as resources for deeming purposes and a provision in its grandfathering rules that an "SSI benefit" means a Federal benefit only and does not include any State supplement. These rules were published in the Federal Register as an NPRM reorganizing and rewriting the entire Subpart L on Resources. We do not plan at this time to publish the entire NPRM as a final rule. We are publishing several significant policies which are being divided into two final regulations packages. Costs concerning the pension funds rule will be minimal since we estimate less than 25 cases a year.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
NPRM Comment Period End	01/07/83	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AC03

643. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 425

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402; 20 CFR 404.902

Legal Deadline: None.

Abstract: The purpose of these regulation changes is to allow for consideration for continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	07/00/87	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7337

RIN: 0960-AC05

644. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302; PL 99-272, Sec 12201(b)

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None.

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

HHS—SSA

Final Rule Stage

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 597-3499

RIN: 0960-AC13

645. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPLICATION OF DEPENDENCY TEST TO ADOPTED GREAT-GRANDCHILDREN; DEMONSTRATION PROJECTS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.362; 20 CFR 404.1599; 20 CFR 416.250

Legal Deadline: None.

Abstract: These regulations implement sections 12101 and 12104 of Pub. L. 99-272 (the Consolidated Omnibus Budget Reconciliation Act of 1985). Section 12101 of Pub. L. 99-272 extends the Secretary's waiver authority on demonstration projects in the title II disability insurance program which was originally provided for by section 505(a)(3) of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). Section 12101 also effectively makes the waiver authority for title XVI demonstration projects permanent. Section 12104 of Pub. L. 99-272 amends section 202(d)(8)(D)(ii) (III) of the Social Security Act to provide that great-grandchildren of the insured individual may be entitled to child's insurance benefits as grandchildren currently are, applying the dependency test for legally adopted children.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AC23

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Completed Actions

646. AID TO FAMILIES WITH DEPENDENT CHILDREN AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DISREGARD OF SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

Significance: Agency Priority

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 45 CFR 233.20

Completed:

Reason	Date	FR Cite
Final Action	10/27/86	51 FR 39520

Small Entity: No

Agency Contact: Harry J. Short 301 594-7337

RIN: 0960-AA71

647. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES; EXCLUSION OF UNDERPAYMENTS

CFR Citation: 20 CFR 416.1210

Completed:

Reason	Date	FR Cite
Final Action	09/29/86	51 FR 34462

Small Entity: No

Agency Contact: Henry Lerner 301 594-7453

RIN: 0960-AB11

648. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; WITHDRAWAL OF AN APPLICATION

CFR Citation: 20 CFR 404.640

Completed:

Reason	Date	FR Cite
Final Action	10/24/86	51 FR 37719

Small Entity: No

Agency Contact: Lawrence V. Dudar 301 594-7459

RIN: 0960-AB84

649. OLD-AGE SURVIVORS AND DISABILITY INSURANCE PROGRAMS; AND ORGANIZATION AND PROCEDURES; REMOVAL OF LIST OF TITLE II APPLICATION FORMS

CFR Citation: 20 CFR 404.611; 20 CFR 422.505

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41950
Final Action Effective	03/00/87	

Small Entity: No

Agency Contact: Cliff Terry 301 594-7519

RIN: 0960-AC12

650. SUPPLEMENTAL SECURITY INCOME PROGRAM; DISREGARDING OF SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L

Completed:

Reason	Date	FR Cite
Final Action	10/27/86	51 FR 39520

Small Entity: No

Agency Contact: Harry J. Short 301 594-7337

RIN: 0960-AC17

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Family Assistance (OFA)

Proposed Rule Stage

651. MEDICAL SUPPORT ENFORCEMENT #2

Significance: Regulatory Program

Legal Authority: 42 USC 652(f); 42 USC 1302

CFR Citation: 45 CFR 306

Legal Deadline: None.

Abstract: These proposed regulations would revise existing requirements governing cooperative agreements between Medicaid and IV-D agencies to provide medical support enforcement services and require enhanced State IV-D agency efforts in medical support enforcement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	09/00/87	

Small Entity: No

Additional Information: Related to RIN 0992-AA12 - Medical Support Enforcement.

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA18

652. IMPROVED CASE PROCESSING STANDARDS AND TIMEFRAMES

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 305

Legal Deadline: None.

Abstract: These proposed regulations will revise requirements and program standards to streamline and improve case processing within the IV-D agency. Specific standards and timeframes will be proposed for certain actions required to be taken in processing an IV-D case.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Craig Hathaway, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, MD 20852, 301 443-5350

RIN: 0992-AA23

653. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None.

Abstract: OCSE is proposing to amend the current program regulations governing child support program audits. These proposed rules would streamline the current audit process and requirements and make corrections to certain inaccuracies in the audit regulations. In addition, we propose to update the current scoring system for the performance indicators now in effect, and to provide the initial scoring methodology which would be used in evaluating the accounts receivable performance indicators.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, MD 20852, 301 443-5350

RIN: 0992-AA24

654. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51

Legal Deadline: None.

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing payments made to AFDC families, families receiving IV-D services during the up to 5-month mandatory service period following AFDC termination and non-AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, MD 20852, 301 443-5350

RIN: 0992-AA25

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Family Assistance (OFA)

Final Rule Stage

655. INTERSTATE CHILD SUPPORT ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 654(9); 42 USC 1302

CFR Citation: 45 CFR 302.36; 45 CFR 303.7; 45 CFR 303.52; 45 CFR 305.20; 45 CFR 305.32

Legal Deadline: None.

Abstract: These proposed regulations would revise existing regulations governing interstate cooperation to require States to adopt uniform procedures for working interstate child support enforcement cases. These procedures would address such issues as: notice and information requirements, time frames, who pays for IV-D services provided, and information exchange between initiating and responding States.

HHS—OFA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43550
NPRM Comment Period End	02/02/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA17

656. PROHIBITION OF FEDERAL FUNDING OF COSTS OF INCARCERATION AND COUNSEL FOR INDIGENT ABSENT PARENTS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 304.23; 45 CFR 304.27

Legal Deadline: None.

Abstract: This proposed rule would prohibit Federal funding under the Child Support Enforcement program for expenditures resulting from incarceration of absent parents in child support enforcement cases and costs of counsel for indigent absent parents in IV-D actions.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 20673
NPRM Comment Period End	08/05/86	
Final Action	03/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA19

657. DISREGARD OF CHILD SUPPORT PAYMENTS; REGULATIONS IMPLEMENTING THE DEFICIT REDUCTION ACT OF 1984

Legal Authority: 42 USC 1302; 42 USC 657(b)(1)

CFR Citation: 45 CFR 302.51

Legal Deadline: None.

Abstract: This final rule implements the Deficit Reduction Act of 1984 which amends the Social Security Act to require that the first $50 collected on a monthly support obligation be paid to the Aid to Families with Dependent Children (AFDC) family. This amount does not affect the family's AFDC eligibility or the amount of assistance to which they were entitled.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA20

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

658. GRANTS FOR ADOLESCENT PREGNANCY AND FAMILY LIFE PROJECTS

Legal Authority: 42 USC 300z et seq Public Health Service Act

CFR Citation: 42 CFR 59

Legal Deadline: None.

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and education services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22750
NPRM Comment Period End	07/19/83	48 FR 22750
Final Action	09/00/87	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: Donald Underwood, Grants Management Officer, Department of Health and Human Services, Public Health Service, Office of Population Affairs, Room 736E, HHH Bldg., 200 Independence Ave., Washington, DC 20201, 202 245-0146

RIN: 0905-AA24

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

659. CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Significance: Agency Priority

Legal Authority: 42 USC 290ee-3; 42 USC 290dd-3

CFR Citation: 42 CFR 2

Legal Deadline: None.

Abstract: Federal law requires that certain alcohol and drug abuse patient records be kept confidential. A

comprehensive rewrite of implementing regulations proposed in the NPRM simplifies and substantially shortens existing rules and proposes major substantive changes including: (1) Limiting applicability to specialized alcohol and drug abuse programs, (2) Requiring notice to patients of Federal confidentiality requirements, (3) Including a sample consent form, (4) Eliminating the impediment to a patient's access to her/his own records, (5) Eliminating most sections restricting disclosures based on patient consent.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	01/02/80	45 FR 53
NPRM	08/25/83	48 FR 38758
NPRM Comment Period End	10/24/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: The location of the confidentiality provisions for alcohol and drug abuse patient records has been transferred from one public law to another and has been changed in the United States Code. P.L. 98-24, the Alcohol and Drug Abuse Amendments of 1983, consolidates alcohol, drug abuse, and mental health authorities in Title V of the Public Health Service Act. Section 408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1175) is transferred to section 527 of the Public Health Service Act and is now codified at 42 U.S.C. 290ee-3. Section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582) is transferred to section 523 of the Public Health Service Act and is now codified at 42 U.S.C. 290dd-3. Sec. 106 of P.L. 99-401, the Children's Justice and Assistance Act of 1986, amends sections 523(e) and 527(e) of the Public Health Service Act (42 U.S.C. 290dd-3(e) and 290ee-3(e)) to permit reporting of suspected child abuse and neglect to appropriate State or local authorities in accordance with State law.

Agency Contact: Judith T. Galloway, Regulations Officer, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C-06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-3200

RIN: 0905-AA26

660. OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

Legal Authority: 42 USC 242a

CFR Citation: 42 CFR 64a

Legal Deadline: None.

Abstract: This rule implements statutory service payback obligations of recipients of clinical traineeships in psychology, psychiatry, social work, or nursing. The NPRM would revise 42 CFR 64a to establish a uniform rate of interest for all individuals who receive clinical traineeships, clarify that funds owed to the government become a debt when the trainee fails to complete the obligation, require that training institutions conduct entrance and exit interviews with trainees to inform them of the seriousness of their service obligations, and provide guidelines for hardship deferrals. The option in existing regulations is to continue the potential for 50 different interest rates with disputes ensuing over what the maximum rate is within each jurisdiction. In addition the existing rule permits a 5-year interest-free period which the NPRM would reduce to 2 years. The NPRM will reduce costs to the government by reducing the interest-free period and by avoiding the expense of settling disputes concerning the correct interest rate for payback obligations.

Timetable:

Action	Date	FR Cite
NPRM	05/28/86	51 FR 19225
NPRM Comment Period End	07/28/86	51 FR 19225
Final Action	04/30/87	

Small Entity: Not Applicable

Agency Contact: Diana Trunnell, Grants Management Specialist, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 7C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4924

RIN: 0905-AB48

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Centers for Disease Control (CDC)

Proposed Rule Stage

661. IMPROVE STANDARDS FOR RESPIRATOR DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 801

CFR Citation: 30 CFR 11

Legal Deadline: None.

Abstract: There are three major problems that the proposed regulatory action is intended to solve. First, the current regulatory provisions in 30 CFR 11 in some instances date back almost fifty years. As a result the provisions are not current with many of the extensive changes in respirator technology. Second, the current regulations do not provide for testing of respirators under either actual or simulated use conditions prior to certification. Third, the resources required to conduct routine respirator certification testing has made it difficult for NIOSH to keep respirator performance standards current with advances in respirator technology and with new knowledge on respirator performance characteristics. Alternatives considered: (1) the Federal government could relinquish the field entirely to the private sector. (2) The Federal government could promulgate performance standards but not be involved in assuring compliance with those standards. (3) The Federal government could continue to be the certifier of respirators but have manufacturers conduct testing. (4) The Federal government could continue its present role of total operation of the respirator system. NIOSH (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: selected alternative number (3). Cost is yet to be determined.

Agency Contact: Glendal J. Provost, Science Advisor, Department of Health and Human Services, Public Health Service, Office of the Director, NIOSH, Centers for Disease Control, 404 329-3773

RIN: 0905-AB58

HHS—PHS—CDC

Proposed Rule Stage

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

662. PROJECT GRANTS FOR HEALTH PROGRAMS FOR REFUGEES

Legal Authority: 8 USC 1522(b) Section 412(b)(5) Immigration and Nationality Act; PL 96-212 Refugee Act of 1980; PL 97-363 Refugee Assistance Amendments of 1982

CFR Citation: 42 CFR 51e

Legal Deadline: None.

Abstract: Regulations are required by Department policy for this project grant program administered by the Centers for Disease Control (CDC) under an intra-agency agreement with the Office of Refugee Resettlement (ORR). The project grants are awarded to State and local health agencies to assist them in providing initial health assessments to arriving refugees. These health assessments specifically address conditions of public health concerns, like tuberculosis, and also identify personal health problems that could impair the effective resettlement of the refugee. CDC has established the program requirements, guidelines, and standards for evaluation.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	51 FR 16724
NPRM Comment Period End	07/07/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: FTS 236-1802

Agency Contact: Anthony M. Scardaci, Associate Dir., Ctr. for Prevention Services, Department of Health and Human Services, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, 404 329-1802

RIN: 0905–AB43

663. DISTRIBUTION OF REFERENCE BIOLOGICAL STANDARDS AND BIOLOGICAL PREPARATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act of 1952; 42 USC 216 Sec 215, 58 Stat. 690, as amended; 42 USC 263 Sec 352 of the Public Health Service Act, as amended

CFR Citation: 42 CFR 7, (New)

Legal Deadline: None.

Abstract: This proposal initiates a program that would impose a user charge upon a private agency which requests reference biological standards or biological preparations for their own comparative performance tests to cover the cost to the Centers for Disease Control (CDC) of developing and distributing the products. CDC is proposing to impose an average user charge of $24 per unit distributed. The cost will vary, depending upon the type of preparation requested. CDC is not proposing to impose a user charge for State and local health departments, the World Health Organization, or international governments because these materials are provided to those agencies for public health reasons and not for the benefit of the requesters.

Timetable:

Action	Date	FR Cite
NPRM	04/29/86	51 FR 15919
NPRM Comment Period End	05/29/86	51 FR 15919
Final Action	04/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $95,000; Yearly Recurring Cost: $95,000; Base Year for Dollar Estimates: 1984

Affected Sectors: Multiple

Agency Contact: Elizabeth B. Ostuni, Biological Products Assistant, Department of Health and Human Services, Centers for Disease Control, Center for Infectious Diseases, 1600 Clifton Road, N.E., Atlanta, GA 30333, 404 329-3354

RIN: 0905–AB49

664. SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Legal Authority: 30 USC 843 Federal Mine Safety and Health Act of 1977

CFR Citation: 42 CFR 37, (Revision)

Legal Deadline: None.

Abstract: The National Institute for Occupational Safety and Health (NIOSH) administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will provide additional specifications to enable X-ray readers in the Department's medical surveillance program for underground coal miners to interpret miners' chest X-rays more accurately to classify any existing or developing pneumoconiosis. The proposed changes are based on recommendations by NIOSH, the Mine Health Research Advisory Committee to NIOSH, and the American College of Radiology Task Force on Pneumoconiosis. The proposed rule will expand the specification for X-ray film size, specify film/screen combinations and speeds which can be used, and specify the method for obtaining a definitive interpretation of chest X-rays when two readers' interpretations do not agree.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34723
NPRM Comment Period End	09/26/85	50 FR 34723
Final Action	04/00/87	

Small Entity: No

Agency Contact: Ms. Mitzie Martin, Chief, Receiving Center Section, Department of Health and Human Services, Centers for Disease Control, Examinations Proc Br, Div of Resp Dis Studies, NIOSH, 944 Chestnut Ridge Rd., Morgantown, WV 26505, 304 291-4301

RIN: 0905–AB51

HHS—PHS—CDC

Final Rule Stage

665. MEDICAL EXAMINATION OF ALIENS

Significance: Regulatory Program

Legal Authority: Sec 215 58 STAT 690; Sec 234 66 STAT 198; 42 USC 216; 8 USC 1224; Sec 322 58 STAT 696; Sec 325 58 STAT 696 to 697; Sec 212 66 STAT 182; Sec 326 66 STAT 182; 42 USC 249; 42 USC 252; 8 USC 1182; 8 USC 1226

CFR Citation: 42 CFR 34(b)(8), (New)

Legal Deadline: None.

Abstract: Dangerous contagious diseases, as defined under subsection 34.2(b), includes chancroid, gonorrhea, granuloma inquinale, lymphogranuloma venereum, infectious syphilis, infectious leprosy, and active tuberculosis. The proposed revision would add acquired immunodeficiency syndrome (AIDS) as the eighth disease on this list. It is proposed to add AIDS since it would be anomalous to have diseases such as the other sexually transmitted diseases (STD) on the list and not include AIDS. AIDS is a recently defined STD of significant public health importance.

Timetable:

Action	Date	FR Cite
NPRM	04/23/86	51 FR 15354
NPRM Comment Period End	06/23/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Laurence S. Farer, M.D., Director, Division of Quarantine, CPS, Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, GA 30333, 404 235-1286

RIN: 0905-AB96

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

666. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This action will announce the agency's approach for permitting truthful and nonmisleading health claims on food labels provided the claims can be substantiated by scientific evidence.

Timetable:

Action	Date	FR Cite
Notice of Policy	00/00/00	

Small Entity: No

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905-AB67

667. ● DRUG EXPORTS

Significance: Regulatory Program

Legal Authority: PL 99-660 Drug Export Amendment Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Drug Export Amendment Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the Agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on Agency practices and policies concerning the implementation of the Drug Export Amendment Act of 1986. The Agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendment, and establish timeframes for the development of those regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Steven Unger, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905-AC44

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

668. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None.

Abstract: The OTC drug review establishes conditions under which

OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic" & "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Anti-fungal," "Anti-microbial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM for (cont)

Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products
ANPRM 05/21/82 (47 FR 22344)

Alertness Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 08/00/87

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 00/00/00

Antheimintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 10/00/87

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 09/30/85 (50 FR 39854)
Final Action 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 04/30/86 (51 FR 16138)

Antidotes, Toxic Ingestion Products
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 07/00/87

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 10/00/87

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 00/00/00

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 00/00/00

Astringent (Wet Dressings) Products
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 04/00/87

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 00/00/00

Camphorated Oil Drug Products
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 04/00/87

Cough/Cold (Anticholinergic) Products
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Anticholinergic/Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 00/00/00

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/00/87

Cough/Cold (Expectorant) Products
Final Action 07/00/87

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 00/00/00

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)

Diaper Rash Products
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 05852)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fever Blister/Cold Sore Products (External)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 00/00/00

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bites and Stings (Relief) Products
ANPRM 09/07/82 (47 FR 39412)

Insect Repellant Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 09/00/87

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 09/00/87

Mercurial (Topical) Products
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 09/00/87

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 07/00/87

Oral Cavity (Health Care) Products

ANPRM 05/25/82 (47 FR 22760)
Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00
Oral Health Care Non-Antimicrobial Products
NPRM 08/00/87
Oral Mucosal Injury Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Oral Wound Healing Products
Final Action 07/18/86 (51 FR 26112)
Otic Products
ANPRM 12/16/77 (42 FR 63556)
NPRM 07/09/82 (47 FR 30012)
Otic Products (Earwax)
Final Action 08/08/86 (51 FR 28656)
Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00
Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 00/00/00
Poison Ivy/Oak/Sumac Prevention
ANPRM 09/07/82 (47 FR 39412)
Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00
Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 00/00/00
Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 00/00/00
Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00
Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 00/00/00
Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 10/00/87
Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00
Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
Final Action 00/00/00
Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entity: No

Additional Information: ABSTRACT CONT: "Antimicrobial Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products."

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8000**

RIN: 0905-AA06

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669. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None.

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	10/00/85	
NPRM	08/00/87	

Small Entity: No

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905-AA73

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670. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None.

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:
Blood & Blood Components; Retrospective Review
NPRM 08/00/87
Final Action 00/00/00
Blood & Blood Derivatives; Implementation of Efficacy Review
NPRM 12/24/85 (50 FR 52602)
Comment Period Ends 03/24/86 (50 FR 52602)
Final Action 01/00/88

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs

& Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905-AA75

671. NEW ANIMAL DRUG APPROVAL PROCESS

Significance: Regulatory Program

Legal Authority: 21 USC 360(b) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None.

Abstract: Based upon an evaluation of an action issues report, the Agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency. The proposed rule would also provide for reporting requirements for marketed animal drugs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Agency Contact: Frank G. Pugliese, Supervisory Consumer Safety Officer, Office of New Animal Drug Evaluation, Center for Veterinary Medicine, Department of Health and Human Services, Food and Drug Administration, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4500

RIN: 0905-AA96

672. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 190

Legal Deadline: None.

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present to a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). The agency is now considering what it options are with regard to the GRAS status of 1) sulfiting agents used on potatoes and 2) other food uses of sulfiting agents. Options being considered are: 1) affirming all uses of sulfiting agents as GRAS with specific limitation; 2) affirming most uses of (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents
NPRM 04/03/85 (50 FR 13306)
Final Action 07/09/86 (51 FR 25012)
EFFECTIVE DATE 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Potatoes
NPRM 06/00/87
Final Action 06/00/88

GRAS Status of Certain Other Food Users of Sulfiting Agents, Etc.
Final Action 10/00/88

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
NPRM 10/00/87

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
NPRM 08/14/85 (50 FR 32836)
Final Action 07/09/86 (51 FR 25021)
Final Action Effective 08/09/86 (51 FR 25021)

Small Entity: No

Additional Information: ABSTRACT CONT: sulfiting agents as GRAS (excluding certain potato products) with specific limitations; and 3) revoking the GRAS status of all uses of sulfiting agents in food.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, 202 426-9463

RIN: 0905-AB52

673. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None.

Abstract: On July 3, 1986, the agency published a final rule that requires manufacturers, packers, and distributors of marketed prescription drug products that are not the subject of approved new drug or abbreviated new drug applications to report to the agency whenever the manufacturer, packer, or distributor receives information about any adverse event that is both serious and unexpected and that is associated with the use of any of its marketed drug products. FDA is taking this action based on events in which serious adverse reactions, which were associated with an intravenous drug product (no longer marketed) that was not the subject of an approved new or abbreviated new drug application, were not reported to the agency by the manufacturer, packer, or distributor. Under the agency's previous regulations, neither the manufacturer, packer, nor the distributor of such a product is expressly obligated to report serious safety problems to the agency. The agency is considering a separate proposed rule for biological products that would require reports of adverse experiences associated with the use of licensed biological products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Adverse Exper Rptg Req; Mktg RX Drugs w/o Approved NDA or ANDA		
NPRM 03/21/85 (50 FR 11478)		
NPRM Comment Period End 05/20/85 (50 FR 11478)		
Final Action 07/03/86 (51 FR 24476)		
Final Action Effective 09/03/86 (51 FR 24476)		

Small Entity: No

Agency Contact: Robert D. Bradley, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB53

674. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Dev. (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4718**

RIN: 0905-AB55

675. IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Regulatory Program

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications. Revised target dates for this regulatory action are appropriate because many new issues have been identified in petitions and letters to the agency from trade associations and attorneys representing individual manufacturers concerning exclusivity, patent coverage, (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: and some of the complex provisions of the act. The resolution of these many minor issues will be reflected in the NPRM and will permit the agency to develop a comprehensive proposed rule.

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905-AB63

676. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Legal Deadline: None.

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug applications (ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Richard A. Carnevale, Deputy Director, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4314**

RIN: 0905-AB72

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HHS—PHS—FDA — Proposed Rule Stage

677. ● INFANT FORMULA RECALLS/INFANT FORMULA CURRENT GOOD MANUFACTURING PRACTICES; QUALITY CONTROL PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 7; 21 CFR 106

Legal Deadline: None.

Abstract: The Agency is preparing two proposals which will implement the Infant Formula Act of 1986. The first proposal will amend FDA's Infant Formula Recall regulations. These amended regulations will mandate the recall of infant formulas that are in violation of the Act and which have been determined by the Secretary to pose a health hazard. The second proposal will establish current good manufacturing practice regulations and strengthen the Agency's existing quality control procedures for infant formulas.

Timetable:

Action	Date	FR Cite
NPRM Infant Formula Recall	04/00/87	
NPRM Infant Formula Current Good Practices; Qual Control Proc	12/00/87	

Small Entity: No

Agency Contact: Curtis Coker, Consumer Safety Officer, Cent. for Food Safety & Applied Nutrition, Department of Health and Human Services, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204, 202 485-0024

RIN: 0905-AC46

678. ● PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None.

Abstract: In the FEDERAL REGISTER of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA will propose to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy. OSTP has advised the Agency that concurrent publication of the final Model Policy and FDA's proposed rule is needed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bonnie M. Lee, Public Health Advisor, Health Assessment Policy Staff, Office of Health Affairs, Department of Health and Human Services, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1382

RIN: 0905-AC52

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

679. GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Significance: Regulatory Program

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263 Public Health Service Act; ...

CFR Citation: 21 CFR 58

Legal Deadline: None.

Abstract: This action will revise the agency's regulations covering Good Laboratory Practice for Nonclinical Laboratory Studies based upon the agency's review of these existing rules under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	10/29/84	49 FR 43530
NPRM Comment Period End	12/28/84	49 FR 43530
Final Action	05/00/87	

Small Entity: No

Agency Contact: Paul D. Lepore, Bioresearch Coordinator, Division of Compliance Policy (HFC-230), Department of Health and Human Services, Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2390

RIN: 0905-AA84

680. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Legal Deadline: None.

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices. Seventeen comments were received in response to the proposed rule, five from pharmaceutical companies, six from trade/professional associations, three from consultants, two from veterinary practitioners, and one from a Federal agency. Only three of those commenting supported the proposal. The remaining 14 comments opposed the proposal. The agency is reevaluating the proposal in light of the comments received.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27016
Final Action	01/00/89	

Small Entity: No

Agency Contact: Donald A. Gable, Director, Division of Therapeutic Drugs for Food Animals, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-130), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1414

RIN: 0905-AB01

681. ANIMAL DRUG SAFETY POLICY

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 70.50; 21 CFR 500.80; 21 CFR 500.82; 21 CFR 500.84; 21 CFR 500.86; 21 CFR 500.88; 21 CFR 500.90; 21 CFR 514.1; 21 CFR 514.111; 21 CFR 514.115

Legal Deadline: None

Abstract: This reproposal would establish an operational definition of the no-residue requirements of the anti-cancer clauses of the Federal Food, Drug, and Cosmetic Act regarding food additives, color additives, and drugs intended for use in food-producing animals.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	07/18/79	44 FR 17070
NPRM	11/20/79	44 FR 17070
NPRM Amended	02/11/83	48 FR 06361
NPRM	10/31/85	50 FR 45530
Comment Period End	02/28/86	50 FR 45530
Final Action	07/00/87	

Small Entity: Yes

Agency Contact: Robert Benson, Chemist, Policy Development & Quality Control Staff, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-301), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4500

RIN: 0905-AB04

682. IND REGULATIONS REVISION

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 312

Legal Deadline: None.

Abstract: This proposed rule would revise extensively the IND rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater assurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29064) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291. This item was previously listed in the agenda as New Drug Approval Process: Revision of IND/NDA Rules (RIN 0905-AA00).

Timetable:

Action	Date	FR Cite
NPRM	06/09/83	48 FR 26760
NPRM Comment Period End	08/08/83	48 FR 26760
Final Action	03/00/87	

Small Entity: No

Agency Contact: Steven H. Unger, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905-AB09

683. PROPOSED USER CHARGE; NEW DRUG APPLICATIONS, ABBREVIATED NEW DRUG APPLICATIONS, NEW DEVICE APPLICATIONS, AND ANTIBIOTIC APPLICATIONS REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 31 USC 9701 Independent Offices Appropriation Act

CFR Citation: 21 CFR 314

Legal Deadline: None.

Abstract: The proposed rule would initiate a program that would require drug manufacturers (as beneficiaries of special services that the agency provides) to bear the costs that the agency incurs in reviewing and approving new drug and antibiotic applications, abbreviated new drug applications, new device applications, and certain supplemental applications. The agency would set fees for different types of applications. The benefit

accruing to an applicant under the agency's new drug and antibiotic application review and approval activity is that the applicant may lawfully market its new drug or antibiotic upon gaining agency approval. Review by the agency also benefits applicants by helping ensure that they will market only safe and effective drug products. This, in turn, enhances public confidence in applicant's drug products. Congress has prohibited FDA from implementing user charges. Legislation will be proposed in the 100th Congress to implement user charges for both drugs and devices.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31726
NPRM Comment Period End	09/05/85	

Next Action Undetermined

Small Entity: No

Additional Information: The future of this proposed rule is dependent on the outcome of Congressional action.

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8038

RIN: 0905-AB56

684. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Regulatory Program

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b), (c), & (d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None.

Abstract: Substantial progress has been made in reducing the number of provisionally listed additives and only 3 color additives remain on the provisional list. The agency is presently reviewing petitions to list these color additives permanently. Because FD&C Red No. 3 animal feed studies have shown a treatment-related increased incidence of tumor bearing animals, the agency considered the use of quantitative risk assessment as a basis for assessing the safety of this color additive in external drugs and cosmetics. As a preliminary step in its consideration of this approach, the agency formed a scientific peer review panel of government scientists to consider whether it is possible to quantify the risk presented by the use of FD&C Red No. 3 based on the scientific data available to the agency and, if so, what level of risk is presented by the use of this color additive. The agency has received the report from the scientific review panel in which the panel estimates the risk of cancer from use of FD&C Red No. 3 in external drugs and cosmetics. Furthermore, for FD&C Red No. 3 the industry has postulated a secondary mechanism for the observed (cont)

Timetable:

D&C Orange No. 17
Final Action 08/07/86 (51 FR 28331)
D&C Red No. 19
Final Action 08/07/86 (51 FR 28346)
D&C Red No. 37
Final Action 06/06/86 (51 FR 20786)
D&C Red No. 8 and D&C Red No. 9
Final Action 12/05/86 (51 FR 43877)
D&C Red Nos. 33 and 36
Final Action 05/00/87
FD&C Red No. 3
Final Action 11/00/87
FD&C Yellow No. 5
Final Action 07/07/86 (51 FR 24517)
FD&C Yellow No. 6
Final Action 11/19/86 (51 FR 41765)

Small Entity: No

Additional Information: ABSTRACT CONT: tumorigenic response in the animal feeding study. The agency has asked a second scientific peer review panel of government scientists to consider data relating to the issue of a possible secondary mechanism and implications for risk assessment. The panel has also been asked to determine what, if any, further studies or analyses may be necessary to resolve the issues. D&C Red Nos. 33 and 36 present concern about their possible carcinogenicity, as well as concern about carcinogenic impurities. Although not found to be carcinogenic in animal testing, these colors are similar in structure to D&C Red No. 9, which was found to be safe based upon a de minimis interpretation of the statute, using conservative risk assessment techniques.

Agency Contact: Donna A. Dennis, Supervisor, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-330), 200 C Street, SW, Washington, DC 20204, 202 426-9463

RIN: 0905-AB60

685. ANTIBODY TEST FOR HTLV-III; GENERAL BIOLOGICAL PRODUCTS STDS.; ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS; SEROLOGICAL TEST FOR HUMAN T-LYMPHOTROPIC VIRUS, TYPE III

Significance: Regulatory Program

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 610.45, (new); 21 CFR 640.2(f), (revision); 21 CFR 640.5, (new); 21 CFR 640.14, (revision); 21 CFR 640.23(a), (revision); 21 CFR 640.33(a), (revision); 21 CFR 640.53(a), (revision); 21 CFR 640.67, (revision); 21 CFR 640.70(a)(11), (new); 21 CFR 640.71(a)(4), (new); 21 CFR 640.72(a)(2), (revision)

Legal Deadline: None.

Abstract: On February 21, 1986, the agency proposed to require that each unit of blood and blood components be tested and found nonreactive by a licensed serologic test for antibody to human T-lymphotropic virus type III (HTLV-III). HTLV-III is believed to be the causative agent of acquired immunodeficiency syndrome (AIDS). The agency believes that the routine testing of blood by an approved serologic test for antibody to HTLV-III should decrease the risk of transmitting AIDS by the transfusion of blood and blood components and by the parenteral use of certain plasma derivatives.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6362
NPRM Comment Period End	03/24/86	51 FR 6362
Final Action	03/00/87	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905-AB62

HHS—PHS—FDA

Final Rule Stage

686. PATENT TERM RESTORATION OF REGULATED PRODUCTS (TITLE II OF "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Regulatory Program

Legal Authority: 21 USC 348 Federal Food, Drug and Cosmetic Act; 21 USC 355 Federal Food, Drug and Cosmetic Act; 21 USC 357 Federal Food, Drug and Cosmetic Act; 21 USC 360e Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263h Public Health Service Act; 35 USC 156 Drug Price Competition and Patent Term; Restoration Act, Title II; 35 USC 271 Drug Price Competition and Patent Term; Restoration Act, Title II; 35 USC 282 Drug Price Competition and Patent Term; Restoration Act; Title II

CFR Citation: 21 CFR 60

Legal Deadline: None.

Abstract: On July 11, 1986, the agency proposed regulations to implement the patent term restoration provisions (Title II) of the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417). Patent term restoration, extending patent life, is available for certain patents related to human drug products, and to medical devices, food additives, or color additives subject to regulation under the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
Request for Public Comments on Implementing Title II	06/26/86	50 FR 26791
NPRM	07/11/86	51 FR 25338
NPRM Comment Period End	10/09/86	51 FR 25338
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Frank Sasinowski, Deputy Director, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1382

RIN: 0905-AB65

687. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None.

Abstract: The proposed rule would provide a mechanism that will allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product) provided quantitative cholesterol content information is supplied.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/29/87	52 FR 2558
NPRM Comment Period End	01/26/87	51 FR 42584
Final Action	12/00/87	

Small Entity: No

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905-AB68

688. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 21 USC 361 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 700.19

Legal Deadline: None.

Abstract: Methylene chloride is used as a flame suppressant in aerosol cosmetic products (hair sprays). Recent carcinogenicity bioassay studies, however, have shown that methylene chloride is an animal carcinogen. These studies indicate that the continued use of methylene chloride, in functional amounts, in such cosmetic products may pose a significant risk to the public health, especially in specific segments of the population that are continually exposed to aerosol cosmetics containing methylene chloride. Methylene is also used as a solvent to extract caffeine from green coffee beans. However, all but a very small portion of the methylene is removed during processing. The agency has been informed of voluntary efforts by the cosmetic industry to replace methylene chloride but believes that prohibiting its use in cosmetics is the only approach that will assure that the public health will be fully safeguarded from all such products, both foreign and domestic.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51551
NPRM Comment Period End	02/18/86	50 FR 51551
Final Action	12/00/87	

Small Entity: No

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Applied, Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, 202 485-0160

RIN: 0905-AC00

689. ● COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Regulatory Program

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None.

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. The Agency proposed to exempt diluted cranberry juice beverages from the (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/01/84	49 FR 22831
NPRM Comment Period End	07/31/84	49 FR 22831
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: requirements of the regulation; however, the comments in response to the proposal were inconclusive. Options being considered include 1) allowing the final rule to become effective for all diluted juice beverages; 2) provide an exemption for cranberry and possibly other high acid juices; and 3) propose to withdraw the final rule published in 1980 (21 CFR 102.33) and allow competition and manufacturers' response to consumer demand for percent juice information to determine the extent to which this information is provided on product labels.

Agency Contact: Elizabeth Campbell, Asst. to the Director, Division of Regulatory Guidance, Department of Health and Human Services, Public Health Service, Cent. for Food Safety & Applied Nutrition, 200 C Street, SW, Washington, DC 20204, 202 485-0175

RIN: 0905-AC48

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

690. RISK ASSESSMENT POLICY FOR REGULATING CARCINOGENIC IMPURITIES IN FOOD AND COLOR ADDITIVES

CFR Citation: 21 CFR Chapter 1

Completed:

Reason	Date	FR Cite
Already been implemented by FDA through other agency actions upheld in courts	02/02/87	

Small Entity: Undetermined

Agency Contact: Alan M. Rulis 202 472-5676

RIN: 0905-AA12

691. REPORTING REQUIREMENTS FOR MARKETED ANIMAL DRUGS

Significance: Regulatory Program

CFR Citation: 21 CFR 510.300; 21 CFR 510.301; 21 CFR 514.8

Completed:

Reason	Date	FR Cite
Included in RIN 0905-AA96	02/27/87	

Small Entity: No

Agency Contact: Andrew Beaulieu 301 443-3044

RIN: 0905-AB06

692. SULFITING AGENTS; LABELING IN DRUGS FOR HUMAN USE

Significance: Regulatory Program

CFR Citation: 21 CFR 201

Completed:

Reason	Date	FR Cite
Final Action	12/05/86	51 FR 43900
Final Action Effective	06/03/87	51 FR 43900

Small Entity: No

Agency Contact: Joseph Wilczek 301 295-8046

RIN: 0905-AB38

693. MEDICAL DEVICE AMENDMENTS: IMPLEMENTATION IMPROVEMENT

Significance: Regulatory Program

CFR Citation: 00 CFR Not Yet Determined

Completed:

Reason	Date	FR Cite
Service Criticism Task Force found no need for regulation	02/27/87	

Small Entity: Undetermined

Agency Contact: Philip B. White 301 443-3403

RIN: 0905-AB54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

694. GENERAL REVIEW AND REVISION OF PUBLIC LAW 93-638 PROGRAM AND CONTRACTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 40 et seq

CFR Citation: 41 CFR 3 to 4; 42 CFR 36, Subpart H and I

Legal Deadline: None.

Abstract: The Indian Self-Determination Act, Public Law 93-638 Regulations published November 1975 need to be revised and updated in light of 10 years of experience. Some provisions are now obsolete and others may impose unnecessary burden, restrictions, and require clarification. The proposed revision in effect would streamline the contract process, delete obsolete provisions, reduce unnecessary paperwork, strengthen accountability requirements and provide opportunities to strengthen autonomy and provide greater flexibility to Public Law 93-638 contractors.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/87	
NPRM	12/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Richard J. McCloskey, Chief, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, 301 443-1116

RIN: 0905-AB98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

695. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4; 42 USC 295g-4(a)

CFR Citation: 42 CFR 57, Subpart FF

Legal Deadline: None.

Abstract: These regulations propose to amend the existing regulations for residency training in general internal medicine and general pediatrics and to implement section 784 (a)(3) and (4) to plan, develop, and operate a program and provide financial assistance to physicians who plan to teach in general internal medicine and general pediatrics. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Public Health Service, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, 301 443-6190

RIN: 0905-AB50

696. CHANGES IN PUBLIC LAW 93-638. REGULATIONS TO REVISE THE DECLINATION APPEALS PROCESS AND CLARIFY ITS SCOPE

Legal Authority: 25 USC 13; 42 USC 2001 et seq; 25 USC 450 et seq

CFR Citation: 42 CFR 36

Legal Deadline: None.

Abstract: Absence of a clear distribution between budget allocation and declination issues in the regulations has caused confusion for tribal organization. This proposed regulation will establish a method for tribes to seek a review of budget allocation decisions outside of the Indian Self Determination Act declination appeals procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Additional Information: This is a proposed coordinated effort between Indian Health Service and the Bureau of Indian Affairs to make changes in Public Law 93-638 regulations to revise the process and provide a criterion for declination appeals.

Agency Contact: Les Morris, Senior Analyst, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, 301 443-1116

RIN: 0905-AB99

697. NURSING SPECIAL PROJECT GRANTS

Legal Authority: 42 USC 216; 42 USC 296k

CFR Citation: 42 CFR 57, Subpart T

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. P.L. 99-92 adds three new purposes to the nursing Special Projects Program and specific appropriation authority for demonstrations. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC18

698. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None.

Abstract: This rule proposes to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before being published as final regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC28

699. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Legal Deadline: None.

Abstract: These proposed regulations would implement the provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) and add debt management provisions of the Debt Collection Act of 1982 (Pub. L. 97-365). The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC30

700. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-92)

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None.

Abstract: These regulations propose to implement provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) which require public comment before being published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, 0906, Department of Health and Human Services, Public Health Service, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC31

701. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-129)

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None.

Abstract: These regulations propose to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before they can be published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48,Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC32

702. GERIATRIC EDUCATION PROJECTS

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57, Subpart 00 (Proposed)

Legal Deadline: None.

Abstract: These proposed regulations would implement provisions for 788 (d) of the Public Health Service Act relating to geriatric education of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Thomas L. Louden, D.D.S., Director, Div. of Associated and Dental Health Professions, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6853**

RIN: 0905-AC33

703. POST-BACCALAUREATE FACULTY FELLOWSHIP PROGRAM

Legal Authority: 42 USC 216; 42 USC 297

CFR Citation: 42 CFR 57, Subpart BB (proposed)

Legal Deadline: None.

Abstract: These proposed regulations would implement section 830 (b) of the Public Health Service Act relating to post-baccalaureate fellowships for faculty to conform with the Nurse Education Amendments of 1985 (Pub. L. 99-92). The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC34

HHS—PHS—HRSA

Proposed Rule Stage

704. GRANTS FOR COMMUNITY HEALTH SERVICES CRITERIA AND PROCEDURE FOR DETERMINING MEDICALLY UNDERSERVED POPULATIONS (MUA)

Legal Authority: PL 99-280, Sec 2; 42 USC 254c(b)

CFR Citation: 42 CFR 51c102(e)

Legal Deadline: None.

Abstract: Section 330(b) of the Public Health Service Act was amended by section 2 of the Health Services Amendments Act of 1986 (P.L. 99-280). The amendment requires the secretary to publish, in regulation, criteria for the designation of areas or population groups with shortages of personnel health services. These designated areas are eligible for the award of grants for planning and operating Community Health Centers. The amendment requires that the Secretary consult with the Chief Executive Officer of a State and local officials in publishing MUA designation criteria and in designating or dedesignating MUA. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, 301 443-2380

RIN: 0905-AC35

705. ● HEALTH MANPOWER SHORTAGE AREA DESIGNATION CRITERIA

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None.

Abstract: This notice proposes an amendment to the existing regulations governing the criteria for Designation of Health Manpower Shortage Areas required by section 332 of the Public Health Act. This amendment would revise the definition for the term "internees" used in the criteria for designating those Federal and State institutions which have a shortage of primary medical care, dental care, or psychiatric manpower.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Richard C. Lee, Chief, Distribution & Shortage Analysis Br., Office of Data Analysis & Management, BHPr, Department of Health and Human Services, Public Health Service, Room 8-57, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-6932

RIN: 0905-AC50

706. ● IMPLEMENTATION OF HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986 (TITLE IV, PUBLIC LAW 99-660)

Legal Authority: 42 USC 11136; 42 USC 11137

CFR Citation: 45 CFR 60, (proposed)

Legal Deadline: None.

Abstract: This rule proposes to implement the Health Care Improvement Act of 1986, Title IV of Public Law 99-660, specifically related to section 426 for the disclosure and correction of information and section 427(b) for confidentiality of information.

Timetable:

Action	Date	FR Cite
NPRM	08/30/87	

Small Entity: No

Agency Contact: Kenneth Moritsugu, M.D., Special Assistant to the Director, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-5796

RIN: 0905-AC51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

707. PROGRAM GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: 42 USC 216; 42 USC 254(b)

CFR Citation: 42 CFR 56

Legal Deadline: None.

Abstract: A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1978. A final regulation is being prepared for publication to include comments received on the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	12/19/80	45 FR 85366
NPRM Previous	12/19/80	45 FR 85366
Interim Final Rule	02/17/81	
Final Action	05/15/87	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2380

RIN: 0905-AA62

708. INDIAN HEALTH SERVICE, 42 CFR PART 36 SUBPART I, CONTRACTS UNDER THE INDIAN SELF-DETERMINATION ACT: AMENDMENTS

Legal Authority: 25 USC 450G

CFR Citation: 42 CFR 36, Subpart I

Legal Deadline: None.

Abstract: This is a revision to implement a policy to charge interest and penalties on delinquent debts. This is in compliance with Department of the Treasury's guidelines pertaining to debt collection activities and the joint regulations issued on April 17, 1981, by the Attorney General and the Comptroller General and is consistent

with the Debt Collection Act of 1982 (P.L. 97-365). This will require a change to the Department's Indian Health Service (IHS) P.L. 93-638 regulations to include a new contract/grant clause.

Timetable:

Action	Date	FR Cite
NPRM	11/04/86	51 FR 40108
NPRM Comment Period End	12/19/86	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Lloyd Fagg, Director, Div. Fiscal Services, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Pkln. Bldg. Rm. 16-05, Rockville, MD 20857, 301 443-6344

RIN: 0905-AB31

709. GRANTS FOR NURSE ANESTHETIST TRAINEESHIPS

Legal Authority: 42 USC 216; 42 USC 297-1

CFR Citation: 42 CFR 57, Subpart F (Proposed)

Legal Deadline: None.

Abstract: These rules implement section 831 of the Public Health Service Act to make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Secretary of Education, of licensed registered nurses to be nurse anesthetists. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	12/16/86	51 FR 45000
NPRM Comment Period End	02/17/87	
Final Action	09/30/87	

Small Entity: No

Agency Contact: Dr. Thomas P. Phillips, Chief, Advanced Nurse Training Res. Br., Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, 301 443-6333

RIN: 0905-AB33

710. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY (HILL-BURTON)

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart F

Legal Deadline: None.

Abstract: As a condition of receiving construction assistance under Titles VI and XVI of the PHS Act, health care facilities are required to give assurance that they will make available in the facility constructed or modernized with that assistance, a reasonable volume of services to persons unable to pay. The existing regulations at 42 CFR Part 124, Subpart F establish detailed procedural requirements that facilities must follow in order to fulfill their obligations as recipients of this assistance. The proposed final regulations will retain the basic policies of the current rules but will provide increased flexibility to obligated facilities and reduce the administrative burden while protecting the interests of intended beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 31000
NPRM Comment Period End	10/28/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Roger McClung, Legislative Officer, Department of Health and Human Services, Health Resources and Services Administration, Office of Program Development, 5600 Fishers Lane, Room 9A-33, Rockville, MD 20857, 301 443-4273

RIN: 0905-AB35

711. INDIAN ELIGIBILITY

Significance: Regulatory Program

Legal Authority: 25 USC 13 (Snyder Act); 42 USC 2001 to 2004 (Transfer Act)

CFR Citation: 42 CFR 36, Subparts A, B & C

Legal Deadline: None.

Abstract: The Indian Health Service (IHS) and the Health Resources and Services Administration (HRSA) have been reviewing potential approaches for strengthening the management and allocation of IHS resources to most effectively serve program beneficiaries. The eligibility criteria for IHS program beneficiaries represent a primary focus of the review, particularly in view of recent trends among service recipients. For example, more people with a claim of Indian descent are using IHS services than ever before even though alternative medical care is available. This situation has arisen from greater awareness of possible eligibility, the availability of improved care, greater acceptance of the program by Indian people, and increased costs of medical care outside of IHS. The various special programs established by Congress to provide health services to the Indian people are a direct outgrowth of treaties and the resulting Federal trust relationship. Thus, any changes in these programs require Federal regulatory action. The NPRM will address such matters as tribal affiliation, residency requirements, and blood quantum.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 21118
NPRM Comment Period End	11/08/86	51 FR 21118
Final Action	06/00/87	

Small Entity: Not Applicable

Agency Contact: Richard J. McCloskey, Chief, Department of Health and Human Services, Public Health Service, Legislation & Regulations Branch, 5600 Fishers Lane, Room 6A-20, Rockville, MD 20857, 301 443-1116

RIN: 0905-AB89

712. GRANTS FOR COMMUNITY HEALTH CENTERS

Legal Authority: 42 USC 254c; 42 USC 300 y-2; 42 USC 300 y-1; 42 USC 300 y-5; 42 USC 300 y-7; 42 USC 300 y-9

CFR Citation: 42 CFR 51c

Legal Deadline: None.

Abstract: A notice of proposed rulemaking (NPRM) was published on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626. Because of administrative changes and new policy directions, including the passage of the Primary Care Block Grant (PCBG) authority, finalization of the NPRM was delayed to determine if it was needed. The Community Health Center regulation is being revised for publication in final, to incorporate P. L. 95-626 changes, other relevant policy

changes and to simplify the existing regulation. On April 24, 1986, P.L. 99-280 repealed the PCBG authority.

Timetable:

Action	Date	FR Cite
NPRM	12/19/80	45 FR 83554
NPRM Comment Period End	02/17/81	
Final Action	07/15/87	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Legislation and Policy, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2380

RIN: 0905-AC01

713. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out Sec. 741(c)(2) of the Public Health Service Act. Although the regulations will not be published until after the legal deadline, no requests for new deferments are expected until after publication.

Abstract: This rule amends existing regulations governing the Health Professions Student Loan (HPSL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39460
NPRM Comment Period End	12/29/86	
Final Action	09/15/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC06

714. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out clause (ii) of Sec. 731(a)(2)(B) of the Public Health Service Act. Although the regulations will not be published until after the legal deadline, no requests for new deferments are expected until after publica.

Abstract: This rule amends existing regulations governing the Health Education Assistance Loan (HEAL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39464
NPRM Comment Period End	12/29/86	
Final Action	09/15/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC07

715. NURSING STUDENT LOAN (NSL) PROGRAM: PROVISIONS OF THE LAW (PUB. L. 99-92)

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nurse Education Amendments of 1985 (Pub.L. 99-92) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC10

716. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart Y

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	10/30/86	51 FR 39669
NPRM Comment Period End	12/29/86	
Final Action	07/30/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC11

717. GRANTS FOR GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

Legal Authority: 42 USC 216; 42 USC 295h

CFR Citation: 42 CFR 58, Subpart A

Legal Deadline: None.

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	11/20/86	51 FR 41988
NPRM Comment Period End	01/20/87	
Final Action	09/30/87	

Small Entity: No

Agency Contact: William S. Brooks, D.P.A., Chief, Public Health Professions Branch, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-95, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6757

RIN: 0905-AC12

718. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: PROVISIONS OF THE LAW (PUB.L. 99-129)

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None.

Abstract: These regulations would implement the provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-192) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC13

719. PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 292a(8)

CFR Citation: 42 CFR 57, Subpart I

Legal Deadline: Statutory, October 1, 1986. After consultation with appropriate organizations, the Secretary shall, not later than October 1, 1986, prescribe regulations for programs for the training of physician assistants.

Abstract: This Notice of Proposed Rulemaking would amend existing regulations to incorporate the provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36412
NPRM Comment Period End	11/10/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905-AC15

720. ADVANCED NURSE EDUCATION PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296l

CFR Citation: 42 CFR 57, Subpart Z

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	11/28/86	51 FR 43048
NPRM Comment Period End	01/27/87	
Final Action	07/30/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC16

721. FINANCIAL ASSISTANCE FOR DISADVANTAGED HEALTH PROFESSIONS STUDENTS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 295g-7

CFR Citation: 42 CFR 57, Subpart DD

Legal Deadline: None.

Abstract: These regulations would implement a new authority under sections 787(a)(2)(F) and 787(b) of the Public Health Service Act, added by the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) for stipends for disadvantaged individuals of exceptional financial need for any period of health professions education at a school of medicine, osteopathy, or dentistry.

Timetable:

Action	Date	FR Cite
NPRM	09/05/86	51 FR 31920
NPRM Comment Period End	10/06/86	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC19

722. GRANTS FOR RESIDENCY TRAINING AND ADVANCED EDUCATION IN THE GENERAL PRACTICE OF DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-6(b)

CFR Citation: 42 CFR 57, Subpart L

Legal Deadline: None.

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 35668
NPRM Comment Period End	12/08/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Richard Weaver, D.D.S., Chief, Dental Health Branch, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8C-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6837

RIN: 0905-AC20

723. AREA HEALTH EDUCATION CENTERS (AHEC)

Legal Authority: 42 USC 216; 42 USC 295g-1

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None.

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905-AC22

724. NURSING STUDENT LOAN (NSL) PROGRAM: DEFINE EXCEPTIONAL FINANCIAL NEED

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None.

Abstract: This regulation proposes a definition of exceptional financial need for the NSL Program, as required by the Nurse Education Amendments of 1985 (Pub. L. 99-92).

Timetable:

Action	Date	FR Cite
ANPRM	09/12/86	51 FR 32616
Comment Period End		
NPRM	10/14/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC29

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

725. NATIONAL HEALTH SERVICE CORPS (NHSC); PRIVATE PRACTICE OPTION (PPO) LOANS TO INDIVIDUALS

CFR Citation: 42 CFR 23

Completed:

Reason	Date	FR Cite
Final Action	09/08/86	51 FR 31947
Final Action Effective	09/08/86	51 FR 31947

Small Entity: No

Agency Contact: James J. Corrigan 301 443-2380

RIN: 0905-AA57

726. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PROGRAM MANAGEMENT

Significance: Regulatory Program

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	01/08/87	52 FR 00730
Final Action Effective	04/08/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AB46

727. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY - HILL-BURTON (PUBLIC FACILITIES)

Significance: Regulatory Program

CFR Citation: 42 CFR 124

Completed:

Reason	Date	FR Cite
Final Action	09/18/86	51 FR 33208
Final Action Effective	09/18/86	51 FR 33208

Small Entity: No

Agency Contact: Roger McClung 301 443-4273

RIN: 0905-AB75

728. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM-IMPROVED PROGRAM MANAGEMENT REGULATIONS

CFR Citation: 42 CFR 57, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn No further action required	02/03/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AB93

729. NURSING STUDENT LOAN (NSL) PROGRAM - IMPROVED PROGRAM MANAGEMENT REGULATIONS

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Withdrawn No further action required.	02/03/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AB95

730. CHARGING FEES FOR HILL-BURTON DIRECT AND GUARANTEED LOAN MODIFICATION REQUESTS

Significance: Regulatory Program

HHS—PHS—HRSA — Completed Actions

CFR Citation: 42 CFR 53.156, (new)

Completed:

Reason	Date	FR Cite
Final Action	10/28/86	51 FR 39376
Final Action Effective	10/28/86	

Small Entity: No

Agency Contact: Roger McClung 301 443-4273

RIN: 0905-AC05

731. GRANTS FOR VARIOUS HEALTH PROFESSIONS: INTERDISCIPLINARY TRAINING AND CURRICULUM DEVELOPMENT

CFR Citation: 42 CFR 57, Subpart NN

Completed:

Reason	Date	FR Cite
Withdrawn No regulatory action needed.	01/05/87	

Small Entity: No

Agency Contact: Mr. David B. Hoover 301 443-6853

RIN: 0905-AC08

732. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PROVISIONS OF THE LAW (PUB. L. 99-129)

Significance: Agency Priority

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	08/28/86	51 FR 30642
Final Action Effective	08/28/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC09

733. CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

CFR Citation: 42 CFR 57, Subpart JJ

Completed:

Reason	Date	FR Cite
Final Action	12/22/86	51 FR 45767
Final Action Effective	12/22/86	

Small Entity: No

Agency Contact: Dr. Howard L. Kelley 301 443-6896

RIN: 0905-AC14

734. HANSEN'S DISEASE DUTY BY CIVIL SERVICE OFFICERS AND EMPLOYEES OF THE PUBLIC HEALTH SERVICE

CFR Citation: 42 CFR 22.1

Completed:

Reason	Date	FR Cite
Withdrawn P.L. 99-272 eliminates the need for this regulation.	02/04/87	

Small Entity: Undetermined

Agency Contact: James J. Corrigan 301 443-2380

RIN: 0905-AC26

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—National Institutes of Health (NIH)

Proposed Rule Stage

735. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 289b

CFR Citation: 42 CFR 50

Legal Deadline: None.

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Section 493 of the PHS Act requires that the HHS Secretary issue regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: George J. Galasso, Ph.D., Associate Director for Extramural Affairs, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm. 111, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-5356

RIN: 0905-AB91

736. CHANGES IN NIH PROGRAM REGULATIONS NECESSITATED BY THE PROVISIONS OF THE HEALTH RESEARCH EXTENSION ACT OF 1985 (P.L. 99-158) AND THE SUPERFUND AMENDMENTS AND REAUTH. ACT OF 1986 (P.L. 99-499)

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None.

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158) and the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

HHS—PHS—NIH

Proposed Rule Stage

Small Entity: Not Applicable

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B03, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AC02

737. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2

CFR Citation: 42 CFR 52a

Legal Deadline: None.

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905-AC27

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

738. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None.

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be revised to reflect authority in section 405, PHS Act. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	09/00/87	

Small Entity: No

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, 301 496-6491

RIN: 0905-AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Health Care Financing Administration (HCFA)

739. ● REVISIONS TO MEDICARE APPEALS RIGHTS

Legal Authority: 42 USC 1395ff

CFR Citation: 42 CFR 405.701; 42 CFR 405.801

Legal Deadline: None.

Abstract: The proposed rule would revise current Medicare regulations to provide that beneficiaries may obtain an administrative law judge hearing under Part B of the Medicare program if the amount in controversy is $500 or more and judicial review if the amount in controversy is $1,000 or more. In determining the amount in controversy the regulations would allow two or more claims to be aggregated if the claims involved the delivery of similar or related services to the same individual or involve common issues of law and fact arising from services furnished to two or more individuals. This rule also would allow provider representation of beneficiaries during appeals and appeal of technical denials. These revisions reflect provisions of the Section 9341 of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	
Comment Period End		

Small Entity: No

Agency Contact: Morton Marcus, Program Analyst, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 349 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-3700

RIN: 0938-AC81

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) **Proposed Rule Stage**

Health Care Financing Administration (HCFA)

740. AMENDING COST REPORTS AND REOPENING INTERMEDIARY PAYMENT DETERMINATIONS AND ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803(b); 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837(b); 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889

Legal Deadline: None.

Abstract: This proposal would establish rules to govern and distinguish between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AA33

741. SURVEY AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395bb

CFR Citation: 42 CFR 405; 42 CFR 442; 42 CFR 488

Legal Deadline: None.

Abstract: This proposed rule would implement recommendations made by the National Academy of Sciences' Institute of Medicine with which HCFA contracted to study the regulation on nursing homes. In addition to proposed improvements in the survey and certification of facilities furnishing long-term care under Medicare and Medicaid, we propose to consolidate all survey and certification requirements into one Part to streamline and simplify requirements which apply to all providers, suppliers and practitioners under Medicare and Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	47 FR 23404
Final Action	12/00/87	

Small Entity: Yes

Agency Contact: James Conrad, Chief, Survey Management Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, 301 594-5014

RIN: 0938-AA38

742. MEDICAID ELIGIBILITY

Legal Authority: 42 USC 1396a(a)(10)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This regulation would implement changes with respect to Medicaid eligibility groups and coverage criteria made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Most of these changes affect the provisions of September 30, 1981 regulations concerning Medicaid eligibility for the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations and make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program (for example, clarification of policy on establishing the medically needy income level for one person).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, 301 594-9050

RIN: 0938-AA58

743. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

Legal Authority: 42 USC 1302; 42 USC 1396b

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Legal Deadline: None.

Abstract: This rule would change the definition of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Guy Harriman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Procedures, C-C-7 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, 301 594-4880

RIN: 0938-AA63

744. MISCELLANEOUS MEDICARE AND MEDICAID AMENDMENTS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 416; 42 CFR 421; 42 CFR 441; 42 CFR 489

Legal Deadline: None.

Abstract: These rules amend existing Medicare and Medicaid regulations to conform them to statutory and policy changes that have occurred since those regulations were last published. The pertinent statutory changes are primarily those contained in the Omnibus Reconciliation Act of 1980 (P.L. 96-499) and the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act of 1985 (P.L. 98-619).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Luisa Iglesias, Technical Assistant, Department of

Health and Human Services, Health Care Financing Administration, BERC Regulations Staff, Rm. 4230 North, 300 Independence Ave., SW, Washington, DC 20201, 202 245-0383

RIN: 0938-AB05

745. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None.

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, 301 594-9050

RIN: 0938-AB07

746. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(4); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7)

CFR Citation: 42 CFR 405.439; 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.511; 42 CFR 405.516; 42 CFR 405.1672; 42 CFR 405.1675; 42 CFR 405.1684; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321; 42 CFR 447.342

Legal Deadline: None.

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, and 99-509 relating to payment and "assignment" for diagnostic laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment or exceptions to the fee schedules. In accordance with the statute, the regulations would provide that on January 1, 1990 and thereafter, fees will be determined on a nationwide basis.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938-AB50

747. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1903(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None.

Abstract: This proposal would revise current Medicaid rules to expand the waiver authority of the Secretary to permit certain health maintenance organizations (HMOs) meeting certain requirements, to exceed the composition of enrollment limit to allow certain organizations to contract on a risk basis, to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement of Medicaid, and give a State the notion of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations with authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9690

RIN: 0938-AB54

748. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(26); 42 USC 1396a(a)(30)(B); 42 USC 1396a(a)(31); 42 USC 1396a(a)(44); 42 USC 1396b(g)

CFR Citation: 42 CFR 440; 42 CFR 441; 42 CFR 456

Legal Deadline: None.

Abstract: These rules would implement Sections 2363 and 2368 of the Deficit Reduction Act of 1984. The rules would make the requirements for physician certification and development of a plan of care (formerly utilization control requirements) State plan requirements. States would no longer be required to make the quarterly showings of compliance for those requirements or for utilization review. A quarterly demonstration to the Secretary of a satisfactory utilization control program would be limited to inspections of care in participating mental hospitals, skilled nursing facilities and intermediate care facilities, including intermediate care facilities for the mentally retarded.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Thomas E. Hoyer, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Services & Coverage Pol., Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9446

RIN: 0938-AB55

749. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(C)(3)(A)(ii)

CFR Citation: 42 CFR 417

Legal Deadline: None.

Abstract: These regulations would implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold coordinated open enrollment periods in geographic areas that encompass two or more organizations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Stanley Katz, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-8561

RIN: 0938-AB57

750. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT, ENTITLEMENT, AND PREMIUMS

Legal Authority: 42 USC 426; 42 USC 426-1; 42 USC 426a; 42 USC 1395c; 42 USC 1395i-2; 42 USC 1395p; 42 USC 1395q; 42 USC 1395r; 42 USC 1395v

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 407

Legal Deadline: None.

Abstract: This regulation would revise the Medicare rules that deal with hospital insurance entitlement and with supplementary medical insurance (SMI) enrollment, entitlement and premiums, as required by amendments to the Social Security Act. It would also revise Medicaid rules that deal with State buy-in agreements, under which States secure SMI benefits for certain Medicaid-eligible individuals, by paying their SMI premiums.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 446 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AB60

751. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395u; 42 USC 1395x; 42 USC 1395xx

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None.

Abstract: These regulations would implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching provider and services furnished to the provider, as well as the method of reimbursement for these services. This proposed rule sets forth the conditions under which physicians in teaching settings would be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule would also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938-AB61

752. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B); PL 99-272, Secs 9110 and 9509

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

Legal Deadline: None.

Abstract: This proposed rule would propose changes to the regulations to implement section 2314 of Pub.L. 98-369 and section 9110 and 9509 of Pub.L. 99-272. This rule would impose new limitations on the evaluation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes would affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program. These changes are intended to promote economy in the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1602

RIN: 0938-AB64

753. OMB REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR HOME HEALTH AGENCIES, INDEPENDENT LABORATORIES, AND PROVIDERS OF OUTPATIENT, PHYSICAL THERAPY AND/OR (CONT)

Legal Authority: 42 USC 1302; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395x(s)(10) and (11); 42 USC 1395aa; 42 USC 1395x(p)

CFR Citation: 42 CFR 405.1221(e); 42 CFR 405.1221(f); 42 CFR 405.1221(g); 42 CFR 405.1221(i); 42 CFR 405.1223(b); 42 CFR 405.1229(a); 42 CFR 405.1315(f); 42 CFR 405.1316(f); 42 CFR 405.1720(b); 42 CFR 405.1721; 42 CFR 405.1224; 42 CFR 405.1228; 42 CFR 405.1225(a); 42 CFR 405.1226; 42 CFR 405.1314; ...

Legal Deadline: None.

Abstract: The purpose of this rule is to set forth changes in several regulations containing information collection requirements, and to obtain public comments on the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	51 FR 47266
NPRM Comment Period End	03/02/87	51 FR 47266
Final Action	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Speech Pathology Services

Agency Contact: Anita Heygster, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Branch, Room 431 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9825

RIN: 0938-AB68

754. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None.

Abstract: Under current regulations, States are allowed to rebut their quarterly projected error rate with more recent MEQC data. However, this rebuttal process underestimates the true error rate. Therefore, these regulations will eliminate the rebuttal process. Further, amendments would clarify the basic operating MEQC program functions and modify other MEQC program elements. We also will revise the criteria under which States may make good faith waiver requests for disallowances of Federal financial participation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	08/00/87	

Small Entity: No

Agency Contact: Joseph Dunne, Acting Director, Office of Quality Control Programs, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control Programs, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1348

RIN: 0938-AB85

755. REVIEW OF CURRENT RULES AFFECTING CLINICAL LABORATORIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27

Legal Deadline: None.

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. The result is that many laboratories may be required to submit to surveys by more than one authority and be adjudged in compliance with different standards. Inconsistent standards create confusion regarding necessary credentials and performance levels. This proposed rule would identify common standards and propose other revisions to rules aimed at reducing direct and indirect costs of clinical laboratories and at increasing quality of output.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9448

RIN: 0938-AB96

756. MEDICARE RECOVERY AGAINST THIRD PARTIES AND MEDICARE SECONDARY PAYORS

Legal Authority: 42 USC 1302; 42 USC 1395y; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Legal Deadline: None.

Abstract: This proposed rule would revise regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. The proposal would also clarify rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. And, it would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 474 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-4979

RIN: 0938-AC05

757. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11)

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b), (c); 42 CFR 405.310(e), (k)

Legal Deadline: None.

Abstract: This proposed rule would implement section 2323 of P.L. 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The proposed rule would solicit public comments on our definition of those individuals who are at high or intermediate risk of contracting hepatitis B. The proposal would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: James Hannon, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1734

RIN: 0938-AC07

758. ASSIGNMENT AND REASSIGNMENT OF PROVIDER-BASED HOME HEALTH AGENCIES AND HOSPICES TO DESIGNATED REGIONAL INTERMEDIARIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395h(e)

CFR Citation: 42 CFR 421.3; 42 CFR 421.117; 42 CFR 421.128

Legal Deadline: None.

Abstract: This regulation requires all home health agencies and hospices to be served by designated regional intermediaries, instead of permitting provider-based HHAs and hospices to use the intermediaries their parent providers use. This reduces the number of intermediaries serving the HHAs and hospices, thus resulting in more consistent payment determinations and more effective and efficient administration.

Timetable:

Action	Date	FR Cite
NPRM	01/22/87	52 FR 02424
NPRM Comment Period End	03/23/87	52 FR 02424
Final Action	09/00/87	

Small Entity: No

Agency Contact: Irvin Robinson, Director, Division of Procurement, Department of Health and Human Services, Health Care Financing Administration, Room 334 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 594-6003

RIN: 0938-AC20

759. REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR SUPPLIERS OF END-STAGE RENAL DISEASE SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395rr

CFR Citation: 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 405.2139

Legal Deadline: None.

Abstract: The purpose of this proposed rule is to propose changes in several regulations containing information collection requirements for suppliers of End-Stage Renal Diseases services. The changes would remove requirements found to be overly prescriptive.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: John Powell, Program Analyst, Alternative Delivery Organization Branch, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 474-EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-0565

RIN: 0938-AC26

760. PAYMENT FOR DIRECT MEDICAL EDUCATION

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 9202; PL 99-509, Sec 9314

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85

Legal Deadline: None.

Abstract: This regulation proposes changes to the Medicare Policy concerning reimbursement for direct medical education costs of providers. These changes are necessary in order to implement the new sections 1861(v)(1)(Q) and 1886(h) of the Social Security Act, which were added by section 9202 of Pub. L. 99-272. These changes would be effective for cost reporting periods beginning on or after July 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Yes

Agency Contact: Linda Magno, Director, Div. of Hospital Payment Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-8344

RIN: 0938-AC27

761. FIRE SAFETY STANDARDS FOR HOSPITALS, SKILLED NURSING FACILITIES, INTERMEDIATE CARE FACILITIES AND AMBULATORY SURGICAL CENTERS

Significance: Agency Priority

Legal Authority: 42 USC 1395x(e)(9); 42 USC 1395x(j)(13); 42 USC 1395k(a)(2)(F)(i); 42 USC 1396d(c); 42 USC 1396d(d); 42 USC 1302

CFR Citation: 42 CFR 405.1022(b)(1); 42 CFR 405.1134(a); 42 CFR 416.44(b); 42 CFR 442.321(a); 42 CFR 442.321(c); 42 CFR 442.322; 42 CFR 442.323

Legal Deadline: None.

Abstract: This proposed rule would solicit comments on amending the fire safety standards for hospitals, skilled nursing facilities, intermediate care facilities and ambulatory surgical centers to incorporate by reference the 1985 edition of the Life Safety Code of the National Fire Protection Association.

Timetable:

Action	Date	FR Cite
NPRM	01/28/87	52 FR 02430
NPRM Comment Period End	03/23/87	52 FR 02430
Final Action	00/00/00	

Small Entity: No

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-5909

RIN: 0938–AC28

762. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a)

CFR Citation: 42 CFR 435.541; 42 CFR 435.911

Legal Deadline: None.

Abstract: These proposed regulations would make explicit in the regulations HCFA's policy on the relationship between State Medicaid eligibility determinations based on disability and disability determinations by SSA under the Supplemental Security Income Program. The regulations would incorporate the conditions under which the State agency must make independent determinations of disability and the effect of only SSA determination on Medicaid eligibility. The proposed regulations would also conform the Medicaid provisions on composition of medical review teams, required information, and the time limit for making determinations more closely to those used by SSA in making SSI determinations. Because of numerous questions raised and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Joyce Stokes, Branch Chief, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 436 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-3870

RIN: 0938–AC31

763. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1988 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412

Legal Deadline: Statutory, June 1, 1987. In accordance with 42 USC 1395ww(e)(5)(A), an NPRM must be published by 06/01/87. Final rule must be published by 09/01/87.

Abstract: This proposed rule will solicit public comments on various revisions to the inpatient hospital prospective payment system. It will also include proposed changes in the methods, amounts, and factors used to determine the prospective payment rates applicable to discharges occurring during FY 88.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	
Final Action	09/01/87	

Small Entity: Yes

Agency Contact: Linda Magno, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-1 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-9343

RIN: 0938–AC39

764. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Legal Deadline: None.

Abstract: This proposed rule would amend and clarify the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule would amend and clarify the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-6403

RIN: 0938–AC40

765. DELETIONS FROM CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(1)

CFR Citation: 42 CFR 416.65

Legal Deadline: None.

Abstract: This notice announces proposed deletions to the current list of surgical procedures for which facility services are covered when the procedures are performed in an ambulatory surgical center (ASC).

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/87	

Small Entity: No

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-8561

RIN: 0938–AC45

766. EMPLOYERS CONTRIBUTION TO HEALTH MAINTENANCE ORGANIZATIONS OPTION

Significance: Regulatory Program

Legal Authority: 42 USC 300e-9

CFR Citation: 42 CFR 110.808, (removed)

Legal Deadline: None.

Abstract: This proposed action would delete current Public Health Service rules (now the responsibility of HCFA) concerning the requirement that an employer contributes to an employee health benefit HMO option an amount equal to what the employer contributes to a non-HMO alternative health plan.

Timetable:

Action	Date	FR Cite
NPRM	01/13/87	52 FR 01343
NPRM Comment Period End	03/16/87	
Final Action	07/00/87	

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Small Entity: No

Agency Contact: Carolyn Cocotas, Special Assistant, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, 317H HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-8036

RIN: 0938-AC48

767. USE OF THE HCFA HOSPITAL WAGE INDEX FOR DETERMINING PAYMENT TO HOSPICES

Legal Authority: 42 USC 1395f(i)

CFR Citation: 42 CFR 418.306(c)

Legal Deadline: None.

Abstract: This notice would replace the current wage index used to determine payment for hospice care furnished to Medicare beneficiaries with the HCFA survey-based hospital wage index.

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	

Small Entity: No

Agency Contact: Anthony Lovecchio, Director, Div. of Alternative Reimbursement Systems, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-4011

RIN: 0938-AC49

768. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(c); 42 USC 1396o(a)(2)(E); 42 USC 1396o(b)(2)(E); 42 USC 1396(g); PL 97-248; PL 99-509; PL 99-514

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 436.218; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441, Subpart I; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None.

Abstract: These regulations would implement 3 provisions of P.L. 99-272: (1) Under 9505, Medicaid coverage of hospice care at State option. The regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) Under 9508, Medicaid coverage of case management services at State option, furnished to specific Medicaid groups or geographic areas within a State; (3) Under 9123, indefinite extension of the Medicare hospice benefit, which was scheduled to end on 09/30/86. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9446

RIN: 0938-AC52

769. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396n(c); PL 99-509 Sec 9408; PL 99-509 Sec 9411

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.190; 42 CFR 440.250

Legal Deadline: None.

Abstract: This rule would revise the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this proposal would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Pol., Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9446

RIN: 0938-AC55

770. REIMBURSEMENT FOR PHYSICIAN'S OUTPATIENT MAINTENANCE DIALYSIS SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 1395(b); 42 USC 1395(k); 42 USC 1395u(b),(h); 42 USC 1395x(b); 42 USC 1395y(a)(14); 42 USC 1395cc(a)

CFR Citation: 42 CFR 405.439(c)(5); 42 CFR 405.502(f)(1); 42 CFR 405.542(a) to (c)

Legal Deadline: None.

Abstract: This proposal is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of reimbursement for physician's dialysis services. We also are proposing to clarify and modify some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services reimbursable under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ADDITIONAL LEGAL CITE: 42 USC 1395rr(b)(3)

Agency Contact: Robert Niemann, Program Analyst, Reimbursement Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-1810

RIN: 0938-AC57

771. RESPONSIBILITIES OF HOSPITALS IN EMERGENCY CASES AND REQUIREMENTS FOR PARTICIPATION IN CHAMPUS AND CHAMPVA PROGRAMS

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 10 USC 1079; 10 USC 1086; 38 USC 613

CFR Citation: 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.53; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; 42 CFR 1003.105; 42 CFR 1003.106; 42 CFR 1003.109; 42 CFR 1003.114

Legal Deadline: None.

Abstract: This proposed rule would implement sections 9121 and 9122 of Pub. L. 99-272. Specifically, under section 9121, Medicare participating hospitals with emergency departments would be required to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Hospitals failing to meet those requirements may have their Medicare provider agreements suspended or terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals would be required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-9446

RIN: 0938-AC58

772. PAYMENT FOR KIDNEYS SENT TO FOREIGN COUNTRIES OR TRANSPLANTED IN NON-MEDICARE BENEFICIARIES

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 413.179

Legal Deadline: None.

Abstract: These proposed regulations would exclude the costs associated with kidneys sent to foreign countries or transplanted in non-Medicare recipients from Medicare payments made to organ procurement agencies. The regulations would also require Medicare intermediaries to monitor all kidneys sent to foreign transplant centers to ensure that foreign countries pay no more than the standard acquisition costs plus the cost of transporting the kidneys.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Agency Contact: Mark Horney, Program Analyst, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 ELR, 6325 Security Boulevard, Baltimore, MD 21207, 301 597-6939

RIN: 0938-AC59

773. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(25)

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21

Legal Deadline: Statutory, October 7, 1986. Section 9503 of Pub. L. 99-272 (April 7, 1986) requires that final regulations be published 6 months from date of enactment.

Abstract: This rule would implement, in part, those portions of sec. 9503 of Pub. L. 99-272 that set forth State plan requirements and other provisions relating to State third-party liability (TPL) programs. The provisions deal with (1) the integration of a State's pursuit of third-party claims with its Mechanized Claims Processing and Information Retrieval Systems and the Secretary's responsibility to develop performance standards to assess TPL collection efforts with respect to this integration; (2) certain exceptions to the cost avoidance method of claims payment in TPL situations; and (3) provider restrictions and provider penalties related to attempts at collection of cost sharing or portions of those amounts from Medicaid recipients when third party liability has been established.

Timetable:

Action	Date	FR Cite
NPRM	03/02/87	52 FR 06350
NPRM Comment Period End	04/02/87	52 FR 06350
Final Action	00/00/00	

Small Entity: No

Agency Contact: Marlene Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Policies and Procedures Branch, 1-A-4 ME Bldg. 6325 Security Blvd., Baltimore, MD 21207, 301 597-0463

RIN: 0938-AC64

774. REASONABLE CHARGE PAYMENT LIMITS FOR ENTERAL PRODUCTS AND SUPPLIES

Significance: Agency Priority

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(8)

CFR Citation: 42 CFR 405.502

Legal Deadline: None.

Abstract: This notice proposes to establish special reasonable charge payment limits for enteral products and supplies. This proposal is intended to prevent excessive payments for these products and supplies.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/87	

Small Entity: Undetermined

Agency Contact: Gale Held, Director, Division of Operational Initiatives, Department of Health and Human Services, Health Care Financing Administration, 367 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 594-9101

RIN: 0938-AC67

775. ALTERNATE SANCTIONS FOR ESRD FACILITIES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395rr

CFR Citation: 42 CFR 405

Legal Deadline: None.

Abstract: These rules would provide that, when the only deficiency cited for a supplier of ESRD services is a failure to cooperate in achieving the plans and objectives of the ESRD network of which the supplier is a member, and that failure does not jeopardize patient health and safety, HCFA may, as an alternative to terminations of Medicare coverage of the facility's ESRD services, impose alternative sanctions such as denial of payment for services furnished to patients accepted for care after the effective date of the sanction,

or a gradual reduction in the payments for all patients.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Yes

Agency Contact: Spencer B. Colburn, Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 ME Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 594-3413

RIN: 0938-AC88

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776. ● MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1396a(a)(10)(A)(i)(II); 42 USC 1396d(q); 42 USC 1362h

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This proposed rule would amend the Medicaid regulations to incorporate the mandatory categorically needy eligibility group of qualified severely impaired individuals established by section 9404 of the Omnibus Budget Reconciliation Act of 1986. This group includes individuals under age 65 who received either SSI State Supplements, or section 1619(a) benefits and who (1) continue to be blind or have a disabling physical or mental impairment; (2) except for earnings, continue to meet all other requirements for SSI eligibility; (3) would be seriously inhibited by the lack of Medicaid coverage from continuing to work or from obtaining employment; and (4) have earnings that are not sufficient to provide a reasonable equivalent of the Medicaid, SSI or title XX attendant care benefits that would be available if he or she did not work. The regulations would also incorporate related amendments from the Employment Opportunities for Disabled Americans Act (Pub.L. 99-643).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-6529

RIN: 0938-AC82

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777. ● DENIAL OF MEDICARE PAYMENTS FOR POOR QUALITY CARE

Legal Authority: 42 USC 1320c-3(a)(2)(C); 42 USC 1395cc(a)(1)(I)

CFR Citation: 42 CFR 466

Legal Deadline: None.

Abstract: The purpose of this proposed rule is to implement section 9403 of PL 99-272 that authorizes a PRO to deny Medicare payment whenever it identifies a substandard quality of care. That is, the PRO would determine: (1) Whether the quality of services meets professionally recognized standards of health care; and (2) Whether payment would be made for services that do not meet professionally recognized standards of health care. Medicare beneficiaries would not be liable for payment for services denied on the basis of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Yes

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 594-7910

RIN: 0938-AC84

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778. ● END STAGE RENAL DISEASE PROGRAM: RESPONSIBILITIES OF NETWORK ORGANIZATIONS

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2112; 42 CFR 405.2113

Legal Deadline: None.

Abstract: These proposed regulations would revise final regulations published on August 26, 1986 (51 FR 30356) pertaining to the End Stage Renal Disease (ESRD) networks and organizations to reflect certain provisions of the ESRD program amendments contained in sections 9335(d) through (h) of the Omnibus Budget Reconciliation Act of 1986. These regulations would revise the responsibilities of network organizations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Spencer Colburn, Branch Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Blvd., Baltimore, MD 21207, 301 594-3413

RIN: 0938-AC86

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779. ● END STAGE RENAL DISEASE PROGRAM: REVISED NETWORK AREA DESIGNATIONS

Legal Authority: 42 USC 1395rr

CFR Citation: Not yet determined

Legal Deadline: Statutory, May 1, 1987.

Abstract: This proposed notice would provide for 17 End Stage Renal Disease (ESRD) network areas, set forth the geographic areas of the new network organizations, and the criteria used to designate the new areas. This notice also proposes evaluation criteria and performance indicators for monitoring the performance of network organizations.

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	
Final Notice	09/00/87	

Small Entity: Yes

Agency Contact: Spencer Colburn, Branch Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Blvd., Baltimore, MD 21207, 301 594-3413

RIN: 0938-AC87

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780. ● REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1395aa; 42 USC 1395cc; 42 USC 1393ff(c); 42 USC 1395a(a)(27); 42 USC 1396i

CFR Citation: 42 CFR 405.1505; 42 CFR 405.1902; 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 489.13

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare and Medicaid rules to provide for a 60-day conditional certification period for facilities seeking participation in the Medicare and Medicaid program to apply uniform effective rules to all Medicare or Medicaid providers, including Medicare Suppliers, and Medicaid only hospitals and home health agencies; and to specify that effective date decisions are precluded from Medicare reconsiderations and hearings.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Peter Burdette, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 594-3222

RIN: 0938-AC88

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781. ● RECOGNITION OF COLLEGE OF AMERICAN PATHOLOGISTS LABORATORY ACCREDITATION PROGRAM

Legal Authority: 42 USC 1395bb

CFR Citation: 42 CFR 482.27; 42 CFR 405.1310ff

Legal Deadline: None.

Abstract: This notice proposes that the Health Care Financing Administration recognize the accreditation program of the College of American Pathologists for clinical laboratories participating in the Medicare program. As a result of HCFA's recognition, these laboratories would not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. They would be "deemed" to meet the Medicare Conditions of Participation for Hospital-Based Laboratories (42 CFR 482.27) or independent laboratories (42 CFR 405.1310ff).

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	
Final Notice	09/00/87	

Small Entity: No

Agency Contact: Mike Goldman, Chief, Laboratory and Ambulatory Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Boulevard, Baltimore, MD 21207, 301 594-9737

RIN: 0938-AC89

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782. ● PRO PREPROCEDURE REVIEW OF CERTAIN SURGICAL PROCEDURES

Legal Authority: 42 USC 1320c-13

CFR Citation: 42 CFR 466.110

Legal Deadline: None.

Abstract: This proposed rule would implement section 9401 of Pub.L. 97-272, which provides that, under Medicare, a physician must request from the Professional Review Organization (PRO) preadmission review for certain inpatient elective surgical procedures and preprocedure review for certain outpatient elective procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary may obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, an opinion from a third physician.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 594-7909

RIN: 0938-AC90

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783. ● PART B PREMIUM FOR 12-MONTH PERIOD BEGINING 01/01/88

Legal Authority: 42 USC 1395r

CFR Citation: 42 CFR 405.902

Legal Deadline: Statutory.

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1988. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1988.

Timetable:

Action	Date	FR Cite
Notice	09/30/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-2829

RIN: 0938-AC92

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784. ● INPATIENT HOSPITAL DEDUCTIBLE BEGINNING 01/01/88

Legal Authority: 42 USC 1395e

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This notice provides for cost sharing amounts payable by the beneficiary. It will inform the public of the revised rates.

Timetable:

Action	Date	FR Cite
Notice	09/15/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-2829

RIN: 0938-AC94

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785. ● PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1395(x)(u)

CFR Citation: 42 CFR 413.56

Legal Deadline: None.

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to

develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entity: Undetermined

Agency Contact: Paul Trimble, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-9640

RIN: 0938-AC97

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786. ● CHANGES TO THE RETURN ON EQUITY CAPITAL PROVISIONS FOR OUTPATIENT HOSPITAL SERVICES

Legal Authority: 42 USC 1395(x)(u)

CFR Citation: 42 CFR 413.157

Legal Deadline: None.

Abstract: Under the discretionary authority of section 1861(v)(1)(p) of the Act, we are proposing that the allowance for a return on equity capital, which currently applies to all proprietary health care providers, including all services furnished by proprietary hospitals, would cease to apply to outpatient hospital services furnished by proprietary hospitals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action Effective	09/00/87	

Small Entity: Undetermined

Agency Contact: John Rogers, Chief, Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-2799

RIN: 0938-AC98

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787. ● CHANGES CONCERNING DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE AND SUSPENSION OF PAYMENTS

Legal Authority: 42 USC 1395(g); 42 USC 1395(u); 42 USC 1395(x)(v)

CFR Citation: 42 CFR 413.153; 42 CFR 405.370(b)

Legal Deadline: None.

Abstract: This rule proposes changes to the Medicare regulations to provide for the following: (1) elimination of the requirement that investment income of both nonprofit and proprietary hospitals from gifts, grants, and endowments be held separately and that if not held separately, it be offset against allowable interest expenses; (2) extension of the list of exceptions to the interest expense reduction provision; and (3) elimination of the requirement that prior to suspension of payment, carriers or intermediaries make determinations that suspension of payments to providers is needed to protect the program against financial loss. This proposed rule is intended to conform the regulations with the law, to provide necessary clarification, and to promote economy and efficiency in the Administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AC99

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788. ● HOSPITAL OUTPATIENT AMBULATORY SURGICAL RATES

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i)

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This proposed notice would set forth a schedule of Hospital Ambulatory Surgical Rates effective for hospital cost reporting periods beginning on or after October 1, 1987. These rates would be set using the payment methodology required by section 9343(a) of the Omnibus Budget Reconciliation Act of 1986, enacted on October 21, 1986.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/87	

Small Entity: Undetermined

Agency Contact: William Goeller, Director, Division of Provider Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AD00

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789. ● CHANGES CONCERNING THE ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 413.24

Legal Deadline: None.

Abstract: This rule would revise the regulations to provide clarification of the definition of "accrual basis of accounting."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AD01

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790. ● OPTIONAL PAYMENT SYSTEM FOR LOW VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d)

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This rule will propose establishing optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose

instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AD02

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791. ● CHANGES TO THE DRG CLASSIFICATION SYSTEM

Legal Authority: 42 USC 1395ww(d)(4)(C)

CFR Citation: 42 CFR 412.10

Legal Deadline: None.

Abstract: This notice would make changes to the DRG classification system to reflect current program experience and technological advances.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/87	

Small Entity: Undetermined

Agency Contact: Linda Magno, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-9349

RIN: 0938-AD03

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792. ● PAYMENTS FOR AMBULATORY SURGICAL SERVICES AND LIST OF COVERED SURGICAL SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i)

CFR Citation: Not applicable

Legal Deadline: Statutory, July 1, 1987.

Abstract: We would update the payment amounts for ambulatory surgical services. In addition, we would revise the list of covered surgical services.

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	
Final Notice	07/00/87	

Small Entity: Yes

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9760

RIN: 0938-AD04

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793. ● CAPITAL PAYMENTS UNDER THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1395 x(v)(1)(B)(P); 42 USC 1395 ww(a)(4)(g)

CFR Citation: 42 CFR 412.2; 42 CFR 412.63; 42 CFR 412.65; 42 CFR 412.66; 42 CFR 412.67; 42 CFR 412.84; 42 CFR 412.92; 42 CFR 413.161

Legal Deadline: Statutory, October 1, 1987.

Abstract: We would amend the Medicare regulations governing the inpatient hospital prospective payment system to incorporate capital-related costs into that system.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9760

RIN: 0938-AD06

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794. ● CRITERIA AND PROCEDURES FOR MEDICAL SERVICES COVERAGE DECISIONS

Legal Authority: 42 USC 1395y

CFR Citation: 42 CFR 405.310; 42 CFR 405.407; 42 CFR 405.408

Legal Deadline: None.

Abstract: The proposed rule would establish in regulations generally applicable standards and procedures for HCFA determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this proposed rule is to assure that Federal funds are expended only for medical services that are appropriate to meet an individual's medical needs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bart McCann, M.D., Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-9370

RIN: 0938-AD07

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795. ● MEDICARE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(S)(2)(J)

CFR Citation: 42 CFR 405.232; 42 CFR 405.231

Legal Deadline: None.

Abstract: This proposed rule would implement section 9335(c) of Pub.L. 99-506 which authorizes Medicare coverage of immunosuppressive drugs for a period of 1-year following a Medicare-covered organ transplant. Current regulations reflect the statutory exclusion from Medicare, Part B coverage, of drugs or biologicals that can be self-administered. The regulations must be amended to reflect the new statutory requirement.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: James Hannon, Chief, Physician & Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1734

RIN: 0938-AD09

796. ● STANDARDS FOR THE REUSE OF DIALYSIS FILTERS AND OTHER DIALYSIS SUPPLIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2136; 42 CFR 405.2138; 42 CFR 405.2139; 42 CFR 405.2140

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare rules to include standards and conditions for safe and effective dialyzer reuse and processing, enforceable as a condition of Medicare participation effective October 1, 1987. This rule would also require that effective January 1, 1988, no reuse of bloodlines, transducer caps, and other accessories shall be allowed in Medicare certified ESRD facilities until and unless standards and conditions for safe reuse and processing of these devices and equipment are imposed as a condition of participation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Building, 6325 Security Blvd., Baltimore, MD 21207, 301 594-8561

RIN: 0938-AD10

797. ● REVISION TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND END STAGE RENAL DISEASE FACILITIES

Legal Authority: 42 USC 1320b-8; 42 USC 1395x(e)(6)(B) and (ee); PL 99-509, Sec 9339(d)

CFR Citation: 42 CFR 405.1312; 42 CFR 405.2171; 42 CFR 482.21

Legal Deadline: None.

Abstract: These revisions would (a) require hospitals to provide a discharge planning process; (b) require hospitals to have written protocols for identifying potential organ donors; (c) require hospitals in which organ transplants are done to be members of and comply with all rules and requirements of the Organ Procurement and Transplantation Network; and (d) allow a laboratory director to meet State standards for qualifications, rather than federal, if they differ. These revisions would conform our regulations with requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Yes

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9690

RIN: 0938-AD11

798. ● CONDITIONS OF PARTICIPATION FOR LONG TERM CARE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(j); 42 USC 1396a(a)(28); 42 USC 1396d(c)

CFR Citation: 42 CFR 405, Subpart K; 42 CFR 442.1; 42 CFR 442.30; 42 CFR 442.100; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442, Subparts D, E & F; 42 CFR 483

Legal Deadline: None.

Abstract: These conditions would replace the existing separate conditions for SNFs participating in the Medicare program, and SNFs and ICFs participating in the Medicaid program. Although some essential distinctions imposed by the statute remain, these new conditions reflect common needs in SNFs and ICFs. The purpose of these revisions is to focus on actual facility performance in meeting residents' needs in a safe and healthful environment, rather than on the capacity of a facility to provide appropriate services. The result of this change in focus will be to enforce requirements from the perspective of quality of care and life for long term care patients, not only under Medicare and Medicaid, but generally since most of these requirements pertain to all patients of a SNF or ICF. These revisions are also expected to simplify Federal enforcement by using a single set of conditions, which apply to activities common to all facilities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-5909

RIN: 0938-AD12

799. ● RECOGNITION OF JOINT COMMISSION FOR ACCREDITATION OF HOSPITAL'S HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Significance: Agency Priority

Legal Authority: 42 USC 1395bb(a)

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Under this proposed notice, hospital-based home health agencies accredited by the Joint Commission for Accreditation of Hospitals and home health agencies accredited by the National League for Nursing would be considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies would not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of deemed status under Medicare, a home health agency also would qualify to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	06/00/87	

Small Entity: No

Agency Contact: Anita Heygster, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 429 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9625

RIN: 0938-AD13

800. ● EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; PL 99-509, Sec 9312(a)

CFR Citation: 42 CFR 417.401; 42 CFR 417.444; 42 CFR 417.446; 42 CFR 417.436; 42 CFR 417.413(e); 42 CFR 417.494(b); 42 CFR 417.482; 42 CFR 417.486; 42 CFR 417.460

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; expand required information and require annual notice of HMO/CMP enrollees rights; and a provision to terminate a contract for noncompliance pertaining to restrictions on waivers of 50 percent for Medicare enrollment; and require an HMO and CMP be responsible for prompt payments of claims. These revisions would implement provisions of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Yes

Agency Contact: Joan Mohanes, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-8046

RIN: 0938-AD14

801. ● ELIGIBILITY OF ALIENS GRANTED AMNESTY UNDER THE IMMIGRATION REFORM AND CONTROL ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 447.53

Legal Deadline: None.

Abstract: This proposed rule would revise Medicaid regulations for aliens lawfully admitted for permanent residence or permanently residing in the United States under the color of law. It would add to the regulations a new group of aliens now eligible for full Medicaid services and identify others eligible for only emergency services and pregnancy related services.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Marinos T. Svolos, Director, Division of Medicaid Eligibiltiy Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-9051

RIN: 0938-AD15

802. ● OBRA PROVISIONS; MEDICAID ELIGIBILITY GROUPS AND COVERAGE

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(a)(47); 42 USC 1396a(e); 42 USC 1396a(b)(2); 42 USC 1396a(l); 42 USC 1396a(m); 42 USC 1396a(n); 42 USC 1396b(u); 42 USC 1396d(p); 42 USC 1396d(1q); 42 USC 1396s

CFR Citation: 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None.

Abstract: These regulations would implement changes relating to Medicaid eligibility groups and coverage of services made by the Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509). P.L. 99-509 added optional eligibility groups of pregnant women and infants or children and aged and disabled individuals with incomes under the Federal nonfarm poverty line, provided for Medicaid coverage of Medicare cost-sharing expenses for qualified Medicare beneficiaries with income under the Federal nonfarm poverty line; clarified mandatory coverage of severely impaired individuals with earned incomes up to a certain level; clarified eligibility of homeless individuals; and added provisions for a presumptive eligibility period for pregnant women who meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-6050

RIN: 0938-AD16

803. ● MEDICAID ELIGIBILITY GROUPS AND EXTENDED COVERAGE OF SERVICES

Legal Authority: 42 USC 1396a(a) to 1396a(b); 42 USC 1396a(f); 42 USC 1396a(l) to 1396a(n); 42 USC 1396b(e) to 1396b(f); 42 USC 1396b(u); 42 USC 1396d(a); 42 USC 1396d(n); 42 USC 1396d(p); 42 USC 1396K(a); 42 USC 1396o; 42 USC 1396s to 1396t; 42 USC 1888c; 8 USC 1255A

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This proposed rule would amend the Medicaid regulations to incorporate numerous mandatory and optional eligibility groups for Medicaid coverage: pregnant women; certain children under 5; children in adoption and foster care; certain disabled widows and widowers; and individuals with incomes up to the Federal poverty line. The rule would also provide for extended care for pregnant women after termination of pregnancy, clarify coverage of aliens and homeless individuals, and add a condition of eligibility relating to third party liability. The amendments would conform the regulations to provisions of the Consolidated Omnibus Reconciliation Act of 1985, the Omnibus Budget Reconciliation Act of 1986, the Immigration Reform and Control Act of 1986, and the Omnibus Drug Act of 1986. States have been informed that these provisions of the statute are self-implementing. In addition, manual instructions containing procedures for States to implement the requirements have been issued to States.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-0950

RIN: 0938-AD17

804. ● TRANSFER OF ASSETS

Legal Authority: 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: These regulations would implement section 132 of Pub.L. 97-248 to permit State Medicaid agencies, in determining an individual's eligibility for Medicaid, to include as a resource the uncompensated value of assets such as cash or property that the individual has transferred to someone else for less than fair market value within the 24 months preceding a Medicaid application.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9050

RIN: 0938-AD18

805. ● STANDARDS FOR ORGAN PROCUREMENT AGENCIES (OPAS)

Significance: Regulatory Program

Legal Authority: PL 99-509, Sec 9318; 42 USC 1301; 42 USC 1302; 42 USC 273

CFR Citation: Not yet determined

Legal Deadline: Statutory, October 1, 1987. The statute requires that section 1138(b) be implemented such that only certified OPAs will be eligible for Medicare or Medicaid payments for the cost of organs procured on or after October 1, 1987. This implies that a Final Rule on OPA certification must be published by October 1, 1987.

Abstract: The Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509) amends Title XI of the Social Security Act by inserting a new Section 1138, "Hospital Protocols for Organ Procurement and Standards for Organ Procurement Agencies (OPAs)." Section 1138(b) specifies that an organ procurement agency may not receive Medicare or Medicaid payments unless it has been certified or recertified within the previous two years by the Secretary as conforming to the standards as described in section 371(b) of the Act. A certified OPA must be a member of and abide by the rules, medical practices and organ distribution policies of the Organ Procurement and Transplantation Network, and must meet the performance standards prescribed by the Secretary. The regulations will identify the standards and criteria to which OPAs must conform in order to be certified and the procedures to be used by the Agency in conducting certifications.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	10/01/87	

Small Entity: No

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 594-9690

RIN: 0938-AD20

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Final Rule Stage

806. HOME HEALTH AGENCIES: FINANCIAL SECURITY REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395f(6); 42 USC 1395x(o)(7); 42 USC 1395x(v)(1)(A); 42 USC 1395x(v)(1)(H); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx

CFR Citation: 42 CFR 405.402; 42 CFR 405.419; 42 CFR 405.429; 42 CFR 405.1201 to 405.1202; 42 CFR 405.1231

Legal Deadline: None.

Abstract: These regulations implement sections 930(n) and (p) of the Omnibus Reconciliation Act of 1980. The regulations require home health agencies participating in Medicare to meet conditions, including bonding or establishment of escrow accounts to ensure the financial security of the Medicare program. They exclude from Medicare reimbursement any costs incurred by an HHA in connection with bonding or establishing an escrow account and any interest payments made by an HHA that are charged on amounts borrowed to repay Medicare overpayments. The intent of these additional requirements is to assure the availability of funds to repay overpayments, and thereby ensure the financial security of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	50 FR 48435
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Ward Pleines, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Rm. 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-0323

RIN: 0938-AA13

807. PAYMENTS TO INSTITUTIONS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832; 42 CFR 435.722

Legal Deadline: None.

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform). These regulations also implement a provision of Pub. L. 99-272. This provision requires that when States elect to use a special income standard for institutionalized individuals, Medicaid eligibility must begin with the first day of a period of not less than 30 consecutive days of institutionalization.

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10992
NPRM Comment Period End	05/20/85	
Final Action	03/00/87	

Small Entity: Yes

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9050

RIN: 0938-AB00

808. BENEFIT PERIOD DETERMINATIONS, DRUG REGIMEN REVIEWS AND OTHER TECHNICAL CHANGES

Legal Authority: 42 USC 1302; 42 USC 1395d; 42 USC 1395x; 42 USC 1395hh; 42 USC 1396d

CFR Citation: 42 CFR 405.1127(a); 42 CFR 409.60; 42 CFR 442.336(a); 42 CFR 405.704; 42 CFR 405.702

Legal Deadline: None.

Abstract: This regulation amends current regulations regarding Medicare spell of illness to create a distinction between "inpatient" and "resident" for purposes of determining whether a patient is an inpatient of an SNF. This regulation also provides for a change concerning who must perform drug regimen reviews in intermediate care facilities. Other technical changes are included to remove certain cross-references in regulations that are now outdated and unnecessary.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17997
NPRM Comment Period End	06/16/86	51 FR 17997
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 405 East High Rise, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-9446

RIN: 0938-AB03

809. RELATIONS WITH OTHER AGENCIES, MISCELLANEOUS MEDICAID DEFINITIONS AND THIRD PARTY LIABILITY QUALITY CONTROL

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435.1009; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 431.800; 42 CFR 440.30

Legal Deadline: None.

Abstract: These regulations: (1) revise Medicaid policy on State payments of cost sharing amounts under Medicare Part B "buy-in" agreements; (2) revise and clarify certain Medicaid definitions; (3) remove the requirement that State plans include third party liability quality control reviews as a part of the State's Medicaid quality control system.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	49 FR 10378
NPRM Comment Period End	05/11/83	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 409 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-9446

RIN: 0938-AB21

810. CHANGES TO THE LESSER OF COSTS OR CHARGES PROVISIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395f(b); 42 USC 1395f(k); 42 USC 1395l(a); PL 98-369, Sec 2308

CFR Citation: 42 CFR 413.13

Legal Deadline: None.

Abstract: This regulation eliminates application of the lesser of costs or charges aggregation method for determining payment for services furnished under Part A or Part B of Medicare effective with cost reporting periods beginning on or after October 1, 1984 (section 2308(a) of Pub.L. 98-369). We also eliminate the accumulation and carryover of unreimbursed costs to subsequent cost reporting periods applicable with cost reporting periods beginning on or after the effective date of the final rule. It revises the nominal charge provisions for providers that furnish services either free of charge or at a nominal charge in accordance with section 2308(b) of Pub.L. 98-369. It also revises the payment provisions for durable medical equipment furnished by home health agencies effective on or after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	09/18/86	51 FR 33074
NPRM Comment Period End	11/17/86	
Final Action	07/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Division of Payment & Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, 301 597-1803

RIN: 0938-AB29

811. REVISIONS TO MEDICAID PAYMENT FOR HOSPITAL AND LONG-TERM CARE FACILITY SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30); 42 USC 1396a(a)(13); 42 USC 1396l; 42 USC 1913; PL 99-509, Sec 9433

CFR Citation: 42 CFR 447.253; 42 CFR 447.256; 42 CFR 447.257; 42 CFR 447.272; 42 CFR 447.280; 42 CFR 447.321

Legal Deadline: None.

Abstract: This regulation would make several changes to the procedural requirements for States to obtain approval of their inpatient and long-term care payment rates. It is intended that these changes would promote increased economy in the administration of the Medicaid program while retaining State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 05728
Final Rule with Comment	05/00/87	

Small Entity: No

Agency Contact: Tzvi Hefter, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Section, Room 1-A-1 ELR Bldg., 6325

Security Blvd., Baltimore, MD 21207, 301 597-1808

RIN: 0938-AB40

812. FFP FOR LTC FACILITIES AFTER TERMINATION OF PROVIDER AGREEMENT

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 442.16; 42 CFR 442.40; 42 CFR 442.42

Legal Deadline: None.

Abstract: These rules would modify and clarify policy on Federal financial participation (FFP) in State Medicaid payments to a skilled nursing facility (SNF) or an intermediate care facility (ICF) after the facility's provider agreement has been terminated or has expired and not been renewed.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42192
NPRM Comment Period End	12/17/85	50 FR 42192
Final Action	04/00/87	

Small Entity: No

Affected Sectors: 919 General Government, Not Elsewhere Classified

Government Levels Affected: State

Agency Contact: Gilda Martin, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Financial Policy Branch, Rm. 350 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1399

RIN: 0938-AB42

813. REVISIONS IN REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395x(p); 42 USC 1395x(s)(3)(11) and (12); 42 USC 1395aa; 42 USC 1395hh

CFR Citation: 42 CFR 405.1413(c); 42 CFR 405.1716(c); 42 CFR 405.1716(d); 42 CFR 405.1717(b); 42 CFR 405.1717(e); 42 CFR 405.1725(a); 42 CFR 405.1702(d), (f) to (k); 42 CFR 405.1731(a),(c); 42 CFR 434.36; 42 CFR 434.55; 42 CFR 405.1733(a),(b); 42 CFR 434.27(a)

Legal Deadline: None.

Abstract: This proposed rule sets forth changes in several regulations containing collection of information requirements. The changes are HCFA's response to the Office of Management and Budget requirement to eliminate regulations that are overly prescriptive, duplicative, or lack practical utility. The requirements affect the providers and suppliers of outpatient physical therapy and speech pathology services; physical therapists in independent practice; portable X-ray services; and Medicaid contracts with health maintenance organizations and prepaid health plans.

Timetable:

Action	Date	FR Cite
NPRM	02/24/86	51 FR 6429
Final Action	06/00/87	

Small Entity: No

Agency Contact: Stanley Katz, Director Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, Maryland 21207, 301 594-8561

RIN: 0938-AB46

814. INDIRECT PART B PAYMENT PROCEDURE

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 405.1672; 42 CFR 405.1679; 42 CFR 405.1685; 42 CFR 405.1686

Legal Deadline: None.

Abstract: This regulation implements provisions of Pub.L. 98-369 that allow payment for services furnished under Part B of Medicare to be made to a health benefits plan.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23792
NPRM Comment Period End	07/31/86	51 FR 23792
Final Action	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AB59

815. TREATMENT OF SOCIAL SECURITY COST OF LIVING INCREASES FOR INDIVIDUALS WHO LOSE SSI ELIGIBILITY

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(note)

CFR Citation: 42 CFR 435.135; 42 CFR 435.136

Legal Deadline: None.

Abstract: This revision to Medicaid rules provides that a State, in determining categorically needy financial eligibility for an individual who would still be eligible for benefits under SSI but for receipt of a section 215(i) cost of living increase after April 1977, must treat that individual as if he or she were still receiving SSI benefits. Section 215(i) cost of living increases are made to persons who receive monthly Social Security cash benefits. (This regulation is being developed pursuant to a court order.)

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14397
NPRM Comment Period End	06/11/85	
Interim Final Rule	04/10/86	51 FR 12325
Final Action	00/00/00	

Small Entity: No

Agency Contact: Roy Trudel, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility Policy, Room 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9128

RIN: 0938-AB62

816. CHANGES TO THE RETURN ON EQUITY CAPITAL PROVISIONS AND THE EXCEPTION FROM COST LIMITS FOR NEWLY ESTABLISHED HOME HEALTH AGENCIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395rr; 42 USC 1395ww

CFR Citation: 42 CFR 413.5; 42 CFR 413.157; 42 CFR 413.30

Legal Deadline: None.

Abstract: This regulation would revise the rules used to compute Medicare payment to certain providers of covered health care services as follows: (1) the allowance for a return on equity capital, which currently applies to all proprietary health care providers, will apply only to proprietary hospitals and skilled nursing facilities. Further, the allowance is reduced for skilled nursing

facilities and outpatient hospital services, is being phased out for inpatient hospital services, and is eliminated for all other providers and services; and (2) the exception to the home health agency cost limits for new agencies is eliminated. The rules pertaining to a return on equity implement the provisions enacted in section 9107 of Pub.L. 99-272.

Timetable:

Action	Date	FR Cite
NPRM	02/20/86	51 FR 6739
Final Action with Comment Period	05/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AB70

817. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72

Legal Deadline: None.

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates. It would also clarify the PPS regulations explaining the administrative and judicial review of payment amounts. In particular, this rule clarifies the effect of successful appeals of base year costs on the hospital-specific portion of the prospective payment rate.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment Period End	04/19/86	51 FR 8208
Final Action	00/00/00	

Small Entity: No

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-6403

RIN: 0938-AB71

818. PAYMENT ADJUSTMENTS FOR SOLE COMMUNITY HOSPITALS

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d); PL 99-509, Sec 9111

CFR Citation: 42 CFR 400.310; 42 CFR 412.92

Legal Deadline: None.

Abstract: This final rule changes Medicare prospective payment regulations for inpatient hospital services to allow an adjustment to the payment amounts under the prospective payment system for sole community hospitals that experience a significant increase in inpatient operating costs attributable to the addition of new inpatient services or facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8211
NPRM Comment Period End	04/09/86	51 FR 8211
Final Action	00/00/00	

Small Entity: No

Agency Contact: Charles Booth, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9760

RIN: 0938-AB72

819. CONDITIONS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396d(c); 42 USC 1396d(d)

CFR Citation: 42 CFR 435; 42 CFR 442

Legal Deadline: None.

Abstract: This rule revises the format and content of the standards for intermediate care facilities for the mentally retarded and persons with related conditions (ICFs/MR). The new format will be that of "conditions of participation" and will make the regulations for ICFs/MR consistent with the organization of the Medicare and Medicaid regulations for skilled nursing facilities. Revisions to the content of the regulations are intended to shift the focus away from facility-oriented requirements to client-oriented requirements. Thus, the rule is designed to increase the focus on the provision of active treatment services for clients, clarify Federal requirements, and maintain essential client protection.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 7520
NPRM Comment Period End	05/05/86	51 FR 7520
Final Action	05/00/87	

Small Entity: Yes

Agency Contact: Samuel Kidder, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Branch, Room 429 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-5909

RIN: 0938-AB76

820. REVISION OF MEDICAID DRUG REIMBURSEMENT REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(30)

CFR Citation: 42 CFR 405.433; 42 CFR 447; 45 CFR 1.2; 45 CFR 19

Legal Deadline: None.

Abstract: This rule will revise the method for setting limits on Federal matching payments under Medicaid for drugs. It will enable the Federal and State governments to take advantage of savings that are currently available in the marketplace for multiple source drugs. It also will maintain State flexibility in the administration of the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	08/19/86	51 FR 29560
NPRM Comment Period End	10/20/86	
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Anthony Lovecchio, Director, Division of Alternative Reimbursement Systems, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3 East Low Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-4010

RIN: 0938-AB97

821. MEDICAID PROGRAM; COVERAGE OF QUALIFIED PREGNANT WOMEN AND CHILDREN AND NEWBORN CHILDREN

Legal Authority: 42 USC 1396a(a)(10)(A)(i)(III); 42 USC 1396a(e)(4); 42 USC 1396; 42 USC 1396d(n)

CFR Citation: 42 CFR 435.3; 42 CFR 435.115; 42 CFR 435.116; 42 CFR 435.117; 42 CFR 435.301; 42 CFR 436.2; 42 CFR 436.114; 42 CFR 436.120; 42 CFR 436.122; 42 CFR 436.301

Legal Deadline: None.

Abstract: The final rule amends the Medicaid regulations to incorporate two mandatory eligibility groups of individuals for Medicaid coverage: (1) qualified pregnant women and certain children under age 5; and (2) newborn children of Medicaid-eligible women. These amendments conform the regulations to statutory changes made under the Deficit Reduction Act of 1984 and the Consolidated Omnibus Reconciliation Act of 1985. States have been informed that these provisions of the statute are self-implementing. In addition, manual instructions containing procedures for States to implement the requirements have been issued to States.

Timetable:

Action	Date	FR Cite
NPRM	11/21/85	50 FR 48102
NPRM Comment Period End	01/21/86	
Final Rule with Comment	05/00/87	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Eligibility Policy, Rm. 448, EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-6529

RIN: 0938-AC02

822. REASONABLE CHARGE LIMITATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(8)

CFR Citation: 42 CFR 405.502

Legal Deadline: None.

Abstract: This rule revises the regulations concerning special reasonable charge limits for Part B Services. It will conform the regulations to section 9333 of the Omnibus Budget Reconciliation Act of 1986 that specifies changes to the procedures for establishing special reasonable charge limits.

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 5726
Final Action with Comment Period	08/11/86	51 FR 28710
Final Action Comment Period End	10/10/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Bernard Patashnik, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938-AC08

823. LOWEST CHARGE LEVELS (LCL) FOR MEDICAL SERVICES, SUPPLIES AND EQUIPMENT

Significance: Regulatory Program

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 405.511

Legal Deadline: None.

Abstract: Medicare Part B payments for medical services, supplies, and equipment that do not generally vary significantly in quality from one supplier to another must be based on a reasonable charge that does not exceed the lowest charge level (LCL) at which the items or services are widely and consistently available in a locality. This notice identifies supplies and equipment that do not vary widely in quality and set the reasonable charges for those items at the LCL.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/15/86	51 FR 29310
Final Notice	03/00/87	51 FR 29310

Small Entity: Yes

Agency Contact: Bernard Patashnik, Director, Division of Med. Svcs. Reimb., Department of Health and Human Services, Health Care Financing Administration, 1-H-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938-AC16

824. LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(l)

CFR Citation: 42 CFR 416.65

Legal Deadline: Statutory, April 21, 1987.

Abstract: Medicare coverage is available for facility services furnished in connection with certain surgical procedures performed in an ambulatory surgical center, (ASC). This final notice contains changes to the list of covered ASC procedures that were made as a result of our consideration of the public comments received in response to a proposed notice published February 10, 1984.

Timetable:

Action	Date	FR Cite
Final Notice	04/00/87	

Small Entity: Yes

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-8561

RIN: 0938-AC21

825. ENROLLMENT PROVISIONS CONCERNING HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: 42 USC 1395mm

CFR Citation: 42 CFR 417.428; 42 CFR 417.440; 42 CFR 417.450; 42 CFR 417.460

Legal Deadline: None.

Abstract: This rule will 1) clarify the financial responsibility of health maintenance organizations and competitive medical plans for inpatient stays in hospitals paid under the prospective payment system when the patient begins or ends enrollment in the organization during a hospital stay;and 2) eliminate the one full calendar month between a request to disenroll and the effective date of the disenrollment, and require a written explanation to disenrolling beneficiaries of exactly when their enrollment ends.

Timetable:

Action	Date	FR Cite
Final with comment	03/20/87	52 FR 8698
Comment Closed	05/19/87	

Small Entity: Undetermined

Agency Contact: Rita McGrath, Chief, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 463 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-6719

RIN: 0938-AC44

826. APPLICATION FEES FOR HEALTH MAINTENANCE ORGANIZATIONS (HMOS)

Significance: Regulatory Program

Legal Authority: 31 USC 9701

CFR Citation: 42 CFR 110.604, (revised); 42 CFR 110.101; 42 CFR 417.406; 42 CFR 417.407; 42 CFR 417.494; 42 CFR 434.2

Legal Deadline: None.

Abstract: The proposed regulation provided for charging an application fee for each of the following: (1) an entity that seeks qualification as a Federal Health Maintenance Organization or certification as a Competitive Medical Plan; (2) a Federal Health Maintenance Organization that seeks expansion of its service area or qualification of a regional component; (3) a Competitive Medical Plan that seeks expansion of its geographic area. These fees would help offset the costs to the Federal Government incurred in these determinations. After considering public comments, a final rule will be developed and published.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30518
NPRM Comment Period End	09/26/86	51 FR 30518
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Cynthia Trower, Program Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360- HHS North Bldg., 330 Independence Ave., SW, Washington, DC 20201, 202 245-0787

RIN: 0938-AC46

827. CORRECTION AND REDUCTION PLANS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Legal Authority: 42 USC 1302; 42 USC 1396r

CFR Citation: 42 CFR 442.1; 42 CFR 442.2; 42 CFR 442.105; 42 CFR 442.110; 42 CFR 442.111; 42 CFR 442.112; 42 CFR 442.113; 42 CFR 442.114; 42 CFR 442.115; 42 CFR 442.116

Legal Deadline: None.

Abstract: These final regulations provide States additional options under which an ICF/MR found to have substantial deficiencies that do not pose an immediate threat to the clients' health and safety may remedy those deficiencies. The regulations provide the State Medicaid agency with options to submit written plans either to correct the necessary staff and physical plant deficiencies, and all other deficiencies, within 6 months of the approval date of the plan, or to reduce permanently the number of beds in certified units within 36 months of the approval date of the plan. These regulations are necessary to implement section 9516 of P.L. 99-272.

Timetable:

Action	Date	FR Cite
NPRM	07/25/86	51 FR 26718
NPRM Comment Period End	09/25/86	51 FR 26718
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Mary Pratt, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Health Standards and Quality Bureau, Rm. 2-D-2 ME, 6300 Security Blvd., Baltimore, MD 21207, 301 594-0005

RIN: 0938-AC51

828. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS (EFFECTIVE 10/01/87)

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1987. The proposed limits retain the same methodology and essentially the same provisions as in the current limits; however, the most recent SNF cost data will be used for calculating the limits, as well as the most recent projections of the rates of increases in the costs included in the SNF market basket.

Timetable:

Action	Date	FR Cite
Final Notice	08/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AC54

829. MEDICARE PROGRAM: SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1987

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This notice will set forth a schedule of limits on home health agency (HHA) costs that may be

reimbursed under the Medicare program. The limits in this notice will apply to HHA costs for entire cost reporting periods beginning on or after July 1, 1987.

Timetable:

Action	Date	FR Cite
Final Action	06/01/87	
Final Action Effective	07/01/87	

Small Entity: Yes

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-1803

RIN: 0938-AC56

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830. MEDICARE NOTICE OF GENERAL STATEMENT OF POLICY - PROCEDURES FOR DETERMINING WHETHER PROVIDERS, PRACTITIONERS OR OTHER SUPPLIERS OF SERVICES ARE LIABLE FOR CERTAIN NONCOVERED SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp; PL 99-272, Sec 9126(c); PL 99-272, Sec 9205; PL 99-509, Sec 9305(f); PL 99-509, Sec 9305(g)

CFR Citation: 42 CFR 405.332; 42 CFR 405.334; 42 CFR 405.336

Legal Deadline: None.

Abstract: The purpose of this notice is to inform the public that P.L. 99-272 provides for the use of an administrative mechanism, commonly known as the favorable presumption, for skilled nursing facilities and home health agencies during a limited period of time. This means that the decision to make or deny payment for some noncovered services will be made with the use of a presumption as to whether the skilled nursing facility or home health agency did not know or could not be expected to know that furnished services were noncovered. In addition, this notice should inform the public that PL 99-509 extends both the limitation of liability provision and the use of the favorable presumption to: (1) hospices and (2) services furnished by home health agencies that are not covered because the individual was not confined to his or her home or did not need skilled nursing care on an intermittent basis.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entity: Yes

Agency Contact: Denis M. Garrison, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Entitlement Branch, Rm. 357 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9435

RIN: 0938-AC61

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831. APPEALS FROM DETERMINATIONS THAT AFFECT PARTICIPATION IN MEDICARE

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395ff(c)

CFR Citation: 42 CFR 405; 42 CFR 420; 42 CFR 498

Legal Deadline: None.

Abstract: These rules update and clarify policy on appeals from determinations that affect the participation of providers, suppliers and practitioners in the Medicare program. The rules pertain to appeal rights and procedures for providers, suppliers and practitioners dissatisfied with determinations.

Timetable:

Action	Date	FR Cite
Final with comment	04/00/87	

Small Entity: Yes

Agency Contact: Luisa V. Iglesias, Technical Assistant, BERC Regulations Staff, Department of Health and Human Services, Health Care Financing Administration, Room 4230 North Bldg., 300 Independence Ave., SW, Washington, DC 20201, 202 245-0383

RIN: 0938-AC65

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832. ● REFUNDING OF FEDERAL SHARE OF OVERPAYMENTS MADE TO MEDICAID PROVIDERS

Legal Authority: 42 USC 1396b(d)

CFR Citation: 42 CFR 433.32 to 35; 42 CFR 433.112; 42 CFR 433.116; 42 CFR 433.300 to 322

Legal Deadline: None.

Abstract: These regulations specify the requirements and procedures under which States are allowed 60 days following the date of discovery of an overpayment to a Medicaid provider to recover or attempt to recover the overpayment before the Federal share must be credited to HCFA. The Federal Government will share in any overpayments that the State documents it is unable to recover because the debts of the provider have been discharged in bankruptcy or the provider is out-of-business. The regulations, which implement section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1986, are intended to aid in recovering improperly spent Federal funds expeditiously.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	06/00/87	

Small Entity: No

Agency Contact: David Greenberg, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 300 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 594-6229

RIN: 0938-AC83

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833. ● ENTITIES PERFORMING QUALITY OF CARE REVIEW OF SERVICES PROVIDED BY RISK-BASIS HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: 42 USC 1302; 42 USC 1320c-3(a)(4); 42 USC 1320c-9

CFR Citation: 42 CFR 466.70; 42 CFR 466.71; 42 CFR 466.72; 42 CFR 466.73

Legal Deadline: Statutory.

Abstract: This rule amends the regulations describing the responsibilities of Utilization and Quality Control Peer Review Organizations (PROs) to include among those responsibilities the review of the quality of care provided by risk-basis health maintenance organizations (HMOs) and competitive medical plans (CMPs). This rule also provides for this same review by non-PRO entities, as permitted under section 1154(a)(4)(C) of the Social Security Act, and identifies

the regulations that would apply to these entities.

Timetable:

Action	Date	FR Cite
Final Action	04/01/87	
Final Action with Comment Period	04/01/87	

Small Entity: Undetermined

Agency Contact: Mike Rappoport, Chief, Quality Review Branch, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, 301 594-3982

RIN: 0938-AC85

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834. ● MEDICARE ECONOMIC INDEX FOR REASONABLE CHARGES (EFFECTIVE 01/01/88)

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None.

Abstract: This notice sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare.

Timetable:

Action	Date	FR Cite
Notice	10/00/87	

Small Entity: Not Applicable

Agency Contact: Ross H. Arnett III, Chief, Economic and Actuarial Analysis Branch, Department of Health and Human Services, Health Care Financing Administration, L-1, 1705 Equitable Building, 6325 Security Blvd., Baltimore, MD 21207, 301 594-6714

RIN: 0938-AC91

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835. ● PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 01/01/88

Legal Authority: 42 USC 1395i-2(d)(2)

CFR Citation: 42 CFR 405.106

Legal Deadline: None.

Abstract: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning January 1, 1988.

Timetable:

Action	Date	FR Cite
Notice	09/30/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-2829

RIN: 0938-AC93

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836. ● PERIODIC INTERIM PAYMENTS FOR HOSPITALS

Legal Authority: 42 USC 1395g

CFR Citation: 42 CFR 413.60

Legal Deadline: Statutory, July 1, 1987.

Abstract: These regulations would implement provisions of section 9311 of PL. 99-509, which deals with payment of periodic interim payments (PIPs) to providers. This legislation eliminates PIP for prospective payment hospitals except for certain hospitals that serve a disproportionate share of low-income patients and hospitals with 100 or fewer beds that are located in a rural area. Hospitals that are excluded from the prospective payment system, hospitals receiving payment under a State reimbursement control system that incorporates payment on a PIP-basis and all other providers may continue to elect PIP payments. In addition, the legislation provides that a prospective payment hospital may continue to receive PIP payments until its fiscal intermediary demonstrates that it has complied with prompt payment requirements for at least three consecutive months. If at any time the intermediary fails to meet these requirements for three consecutive months, the hospital may again request PIP.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	07/01/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Div. of Payment & Reporting Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AC96

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837. ● PAYMENTS FOR LARGE RURAL HOSPITALS THAT SERVE A DISPROPORTIONATE SHARE OF LOW-INCOME PATIENTS

Legal Authority: 42 USC 1395ww(d)(5)(F)

CFR Citation: 42 CFR 412.63; 42 CFR 412.106; 42 CFR 412.118

Legal Deadline: Statutory, October 1, 1986.

Abstract: We would amend the Medicare regulations concerning prospective payments for large rural hospitals that serve a disproportionate share of low-income patients. The payment adjustment factor for a hospital that meets the criteria as a rural disproportionate share hospital of 500 beds or more would be calculated as the lesser of 15 percent or 2.5 percent plus one-half the difference between the hospital's disproportionate patient percentage and 15 percent.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	04/00/87	

Small Entity: No

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9760

RIN: 0938-AD05

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838. ● SUPPLEMENTARY MEDICAL INSURANCE PREMIUMS

Legal Authority: 42 USC 1395r; 42 USC 1395s

CFR Citation: 42 CFR 405; 42 CFR 408

Legal Deadline: None.

Abstract: These rules amend Medicare regulations that deal with supplementary medical insurance premiums to conform them to changes made in the Medicare law since those regulations were last published.

HHS—HCFA — Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	06/30/87	
Final Action with Comment Period	00/00/00	

Small Entity: No

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 4230 North Bldg., 300 Independence Ave., SW, Washington, DC 20201, 202 245-0383

RIN: 0938–AD19

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

839. ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED OR FOR CANCELLED (VOIDED) MEDICAID CHECKS

CFR Citation: 45 CFR 201.5; 42 CFR 433.40; 42 CFR 430.0

Completed:

Reason	Date	FR Cite
Final Action	10/09/86	51 FR 36225
Final Action Effective	11/10/86	51 FR 36225

Small Entity: No

Agency Contact: David McNally 301 597-1398

RIN: 0938–AB35

840. HOSPICE "CORE" SERVICES; NURSING

CFR Citation: 42 CFR 418.80; 42 CFR 418.83

Completed:

Reason	Date	FR Cite
Final Action	03/11/87	52 FR 07412
Final Action Effective	04/10/87	

Small Entity: No

Agency Contact: Thomas Hoyer 301 594-9446

RIN: 0938–AB58

841. MEDICAID: IDENTIFICATION OF THIRD PARTY LIABILITY RESOURCES FOR MEDICAL ASSISTANCE

Significance: Regulatory Program

CFR Citation: 42 CFR 433.138; 42 CFR 431.305; 42 CFR 431.306

Completed:

Reason	Date	FR Cite
Final Action	02/27/87	52 FR 05967
Final Action Effective	05/28/87	52 FR 05967

Small Entity: No

Agency Contact: John Van Walker 301 597-3447

RIN: 0938–AB88

842. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE

Significance: Agency Priority

CFR Citation: 42 CFR 405.457

Completed:

Reason	Date	FR Cite
Final Action	03/27/87	52 FR 9833
Final Action Effective	05/01/86	

Small Entity: Yes

Agency Contact: Paul Trimble 301 594-8640

RIN: 0938–AC00

843. DETERMINATION OF REASONABLE CHARGES FOR PHYSICIAN AND OTHER MEDICAL SERVICES

CFR Citation: 42 CFR 405.501; 42 CFR 405.504; 42 CFR 405.551; 42 CFR 405.509; 42 CFR 405.511

Completed:

Reason	Date	FR Cite
Final Action	10/01/86	51 FR 34975
Final Action Effective	10/01/86	51 FR 34975

Small Entity: No

Agency Contact: Bernard Patashnik 301 397-1334

RIN: 0938–AC04

844. MISCELLANEOUS CONFORMING AMENDMENTS

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 431; 42 CFR 433; 42 CFR 435; 42 CFR 421; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	11/14/86	51 FR 41332
Final Action Effective	12/15/86	51 FR 41332

Small Entity: No

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938–AC06

845. PROCESSING OF CLAIMS BY ELECTRONIC MEANS AS A CONDITION OF QUALIFICATION FOR THE PERIODIC INTERIM PAYMENT METHOD OF REIMBURSEMENT

CFR Citation: 42 CFR 405.454

Completed:

Reason	Date	FR Cite
Withdrawn Pub. of reg. & OBRA 86 provisions negates need	09/23/86	

Small Entity: Yes

Agency Contact: Dan Baker 301 594-5415

RIN: 0938–AC09

846. CHANGES TO THE CRITERIA FOR DETERMINING REASONABLE CHARGES

Significance: Regulatory Program

CFR Citation: 42 CFR 405.514; 42 CFR 405.551(e)

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 06148
Final Action Effective	04/01/87	52 FR 06148

Small Entity: No

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938–AC14

847. SECOND SURGICAL OPINION REQUIREMENT FOR MEDICAID RECIPIENTS

Significance: Regulatory Program

CFR Citation: 42 CFR 431

Completed:

Reason	Date	FR Cite
Withdrawn Omnibus Budget Reconciliation Act of 1986 makes unnecessary	02/27/87	

Small Entity: Yes

Agency Contact: Thomas Hoyer 301 594-9446

RIN: 0938–AC19

848. MEDICARE ECONOMIC INDEX FOR REASONABLE CHARGES (EFFECTIVE 01/01/87)

Significance: Agency Priority

CFR Citation: 42 CFR 405.504

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 42007

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938–AC29

849. COST LIMITS FOR HOSPITAL MEDICARE PART B CLINICAL LABORATORY SERVICES

Significance: Regulatory Program

CFR Citation: 42 CFR 405, Subpart D

Completed:

Reason	Date	FR Cite
Withdrawn Omnibus Budget Reconciliation Act of 1986 makes unnecessary	02/27/87	

Small Entity: Yes

Agency Contact: John Rogers 301 597-2799

RIN: 0938–AC30

850. PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 01/01/87

Significance: Agency Priority

CFR Citation: 42 CFR 408.22

Completed:

Reason	Date	FR Cite
Final Action	10/01/86	51 FR 35053
Final Action Effective	01/01/87	51 FR 35053

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938–AC32

851. PART B PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/87

Significance: Agency Priority

CFR Citation: 42 CFR 405.902

Completed:

Reason	Date	FR Cite
Final Action	10/02/86	51 FR 35291
Final Action Effective	01/01/87	51 FR 35291

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938–AC34

852. MEDICARE ECONOMIC INDEX

Significance: Regulatory Program

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn with enactment of Omnibus Reconciliation Act of 1986	02/27/87	

Small Entity: Yes

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938–AC35

853. REASONABLE CHARGE PAYMENT LIMITS FOR CATARACT EXTRACTIONS WITH INTRAOCULAR LENS IMPLANTS

Significance: Agency Priority

CFR Citation: 42 CFR 405.502(g)

Completed:

Reason	Date	FR Cite
Withdrawn Per Omnibus Budget Reconciliation Act of 1986.	10/21/86	

Small Entity: Yes

Agency Contact: Kenneth Marsalek 301 594-1115

RIN: 0938–AC41

854. REASONABLE CHARGE PAYMENT LIMITS FOR ANESTHESIA SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 405.502(g)

Completed:

Reason	Date	FR Cite
Final Action	10/07/86	51 FR 35693
Final Action Effective	01/01/87	51 FR 35693

Small Entity: Yes

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938–AC42

855. REDESIGNATION OF REASONABLE COST REGULATIONS

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 413; 42 CFR 416; 42 CFR 417; 42 CFR 420; 42 CFR 421; 42 CFR 447; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	51 FR 34790
Final Action Effective	10/01/86	51 FR 34790

Small Entity: No

Agency Contact: Sue B. Brown 301 594-8630

RIN: 0938–AC43

856. MEDICARE AND MEDICAID: INFORMATION ON THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	10/23/86	51 FR 37652

Small Entity: Not Applicable

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938–AC47

857. PAYMENT TO HOSPICES

CFR Citation: 42 CFR 418.309

Completed:

Reason	Date	FR Cite
Final Action	10/08/86	51 FR 36066

Small Entity: No

Agency Contact: Anthony Lovecchio 301 594-4010

RIN: 0938–AC50

858. CRITERIA FOR MEDICARE COVERAGE OF HEART TRANSPLANTS

Significance: Regulatory Program

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	04/06/87	52 FR 10935

Small Entity: Yes

Agency Contact: Barton McCann, M.D. 301 594-9370

RIN: 0938–AC53

859. PREADMISSION REVIEW FOR NON-EMERGENCY ADMISSIONS TO HOSPITALS PARTICIPATING IN THE MEDICAID PROGRAM

Significance: Agency Priority

CFR Citation: 42 CFR 431

Completed:

Reason	Date	FR Cite
Withdrawn Omnibus Budget Reconciliation provisions make unnecessary	02/27/87	

Small Entity: Undetermined

Agency Contact: Arleen Ford 301 594-9442

RIN: 0938–AC60

860. REMOVAL OF OBSOLETE REGULATIONS; PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 412; 42 CFR 420; 42 CFR 421; 42 CFR 455; 42 CFR 456; 42 CFR 460; 42 CFR 462; 42 CFR 463; 42 CFR 473; 42 CFR 476; 42 CFR 478

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43195
Final Action Effective	12/01/86	51 FR 43195

Small Entity: Not Applicable

Agency Contact: Mary Kay Terry 301 594-7910

RIN: 0938–AC62

861. PROGRAM INTEGRITY AMENDMENTS

CFR Citation: 42 CFR 412; 42 CFR 420; 42 CFR 455; 42 CFR 466; 42 CFR 474; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	51 FR 34786
Final Action Effective	09/30/86	51 FR 34786

Small Entity: Not Applicable

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938–AC63

862. MEDICAID MANAGEMENT INFORMATION SYSTEM: WAIVER OF REDUCTION OF FEDERAL FINANCIAL PARTICIPATION

CFR Citation: 42 CFR 433.131

Completed:

Reason	Date	FR Cite
Final Action	01/16/87	52 FR 01971
Final Action Effective	02/17/87	52 FR 01971

Small Entity: Undetermined

Agency Contact: Wes Baker 301 594-9151

RIN: 0938–AC66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Family Support Administration (FSA)

863. ● SCOPE OF PAYMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1102; 42 USC 606

CFR Citation: 45 CFR 233.20(a)(2); 45 CFR 233.20(a)(2)(V); 45 CFR 233.120(b)(3)

Legal Deadline: None.

Abstract: This proposed rule would clarify certain provisions in the Aid to Families with Dependent Children program under title IV-A of the Social Security Act. This clarification is being issued in order to prevent Federal funds from being used to provide a separate standard of need based on the type of housing in which an AFDC family resides and to prevent Emergency Assistance funds from being used to meet ongoing needs.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/87	
NPRM	07/15/87	

Small Entity: No

Additional Information: Split off from Regulation on Administrative Improvement in the AFDC Program (RIN 0960-AB72).

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0970–AA00

HHS—FSA

Prerule Stage

864. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION — PUBLIC ASSISTANCE PROGRAM — QUALITY CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 97-248; PL 96-123

CFR Citation: 45 CFR 205.42; 45 CFR 205.44

Legal Deadline: None.

Abstract: These proposed rules amend the QC regulations under the AFDC program by establishing more definitive criteria to be used in determining whether waivers will be granted to states that fail to meet the statutory error standard.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Family Support Administration (FSA)

865. ● CASH ASSISTANCE, MEDICAL ASSISTANCE, AND STATE ADMINISTRATIVE COSTS FOR ASSISTANCE PROVIDED TO REFUGEES

Significance: Agency Priority

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None.

Abstract: This NPRM will provide special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) for the 12-month period beginning with the first month a refugee entered the United States. The regulation will define the reasonable State administrative cost of providing cash and medical assistance to refugees as the lowest of: (a) The State's administrative cost (expressed as a percent of total assistance cost) under its program of aid to families with dependent children (AFDC); or (b) the national mean average percentage cost under the AFDC program; or (c) the actual identifiable administrative cost of providing assistance to refugees.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	
NPRM Comment Period End	06/15/87	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Philip A. Holman, Director, Div. of Policy & Analysis, Office of Refugee Resettlement, Department of Health and Human Services, Family Support Administration, Rm 1229, 330 C Street, SW, Washington, DC 20201, 202 245-1027

RIN: 0970-AA01

866. ● CHILD SUPPORT ENFORCEMENT PROGRAM; QUARTERLY REPORTING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 652; 42 USC 654

CFR Citation: 45 CFR 301; 45 CFR 304

Legal Deadline: None.

Abstract: This proposed rule amends program regulations governing State Reporting requirements by deleting outdated references and by requiring more expeditious reporting to the Office of Child Support Enforcement by State IV-D agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	10/00/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Family Support Administration, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, 301 443-5350

RIN: 0970-AA02

867. AID TO FAMILIES WITH DEPENDENT CHILDREN; TREATMENT OF UTILITY PAYMENTS BY APPLICANT OR RECIPIENTS LIVING IN CERTAIN FEDERALLY ASSISTANCE HOUSING

Legal Authority: PL 98-181; 42 USC 602; 42 USC 1302; PL 98-497, Sec 102

CFR Citation: 45 CFR 233

Legal Deadline: None.

Abstract: The proposed rule will provide that Housing and Urban Development Assisted Aid to Families With Dependent Children tenants who pay utilities but no rent to landlord will have their utility payment considered rent by a State IV-A agency in computing the Aid to Families With Dependent Children grant.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA05

868. REGULATIONS TO ENHANCE CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Regulatory Program

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HHS—FSA

Proposed Rule Stage

Legal Authority: 42 USC 1302; Sec. 1102, 49 Stat. 647

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.38; 45 CFR 233.20(a)(6)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a)(13); 45 CFR 205.52; 45 CFR 233.20(a)(3)(iii)(D); 45 CFR 233.20(a)(3)(iii); 45 CFR 233.35(a)

Legal Deadline: None.

Abstract: We are seeking ways to develop greater consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. We are particularly interested in how we can make similar requirements in the two programs identical and streamline processes. The aim is to improve and simplify program administration and ease the burden placed upon the individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970
NPRM	03/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA08

869. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 603; 42 USC 606; 42 USC 607; 42 USC 1302

CFR Citation: 45 CFR 224; 45 CFR 232; 45 CFR 233; 45 CFR 238

Legal Deadline: None.

Abstract: The proposed rule will organize and codify those administrative changes which will better target program resources, reduce administrative cost, or increase State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA09

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Family Support Administration (FSA)

870. ● RETROACTIVE MODIFICATION OF CHILD SUPPORT ARREARS

Legal Authority: PL 99-509, Sec 9103

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304

Legal Deadline: None.

Abstract: This interim final rule requires, as a result of the Omnibus Budget Reconciliation Act of 1986, that child support payments be judgments on and after the day they fall due as well as requires that States have procedures to prohibit the retroactive modification of child support arrearages.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Susan Corriveau, Program Specialist, Department of Health and Human Services, Family Support Administration, 6110 Executive Boulevard, Rockville, Maryland 20852, 301 443-5350

RIN: 0970-AA03

871. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 602

CFR Citation: 45 CFR 205.40

Legal Deadline: None.

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal requirements when a State plan is not amended to reflect new Federal rules, or when a State plan is submitted which is inconsistent with Federal rules and has not yet been disapproved.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period End	08/19/85	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA04

872. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 205.50; 45 CFR 206.10; 45 CFR 233.52; 45 CFR 239; 45 CFR 233.20; 45 CFR 233.31; 45 CFR 233.51; 45 CFR 233.38; 45 CFR 234.60; 45 CFR 238; 45 CFR 240.22; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None.

Abstract: The final regulations will clarify provisions first published in the Interim Final Rules implementing the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administation, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970–AA06

873. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233; 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10, the recoupment of an overpayment, or because the payment is determined to be zero as a result of rounding. The estimated costs are: FY 1985--$30 million, FY 1986--$45 million, FY 1987--$50 million, and FY 1988--$55 million.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970–AA07

874. REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SUPPORT SERVICES

Significance: Regulatory Program

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None.

Abstract: This regulation will establish requirements governing refugee cash assistance; job search, employability services, and employment on the part of applicants for, and recipients of, refugee cash assistance; refugee medical assistance; and refugee support (social) services.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	51 FR 03918
NPRM Comment Period End	04/30/86	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Philip A. Holman, Director, Div. of Policy & Analysis, Department of Health and Human Services, Family Support Administration, Rm 1229, 330 C Street, SW, Washington, DC 20201, 202 245-1027

RIN: 0970–AA10

[FR Doc. 87-7123 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-87-1680]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Government National Mortgage Association.

DATED: February 25, 1987.

Carolyn B. Lieberman,

Deputy General Counsel (Operations).

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
875	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

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Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
876	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
877	24 CFR 10 Amending Rules on Rules and FOIA Rules (S-3-87; FR-2320)	2501-AA57
878	24 CFR 28 Administrative Remedies for False Claims and Statements (S-2-87; FR-2310)	2501-AA58
879	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
880	24 CFR 50 Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
881	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30
882	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance Loan and Grant Programs (CPD-74-84; FR-2007)	2501-AA59
883	24 CFR 0058 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs (S-13-86; FR-2316)	2501-AA39
884	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (S-5-86; FR-2211)	2501-AA40

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
885	24 CFR 00 Standards of Conduct (S-5-85; FR-2146)	2501-AA31
886	24 CFR 15 Testimony, Production and Disclosure of Material or Information by HUD Employees (S-17-86; FR-2273)	2501-AA51
887	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
888	24 CFR 24 Suspension and Debarment (S-2-79; FR-1676)	2501-AA05
889	24 CFR 14 Implementation of the Equal Access to Justice Act in Administrative Proceedings (S-2-86; FR-2156)	2501-AA44
890	24 CFR 58 Environmental Review Procedures - Rental Rehabilitation and Housing Development Grant Program (S-6-84; FR-1965)	2501-AA25
891	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-86; FR-1588)	2501-AA56
892	24 CFR 0813.106 Amendments to Definition of Income (S-12-86; FR-2184)	2501-AA46

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
893	24 CFR 17 Implementation of the Interest Provisions of the Debt Collection Act of 1982 (S-9-84; FR-2022)	2501-AA24
894	24 CFR 17 Tax Refund Deduction Program (S-2-85; FR-2092)	2501-AA52
895	24 CFR 35.24 Lead-Based Paint Hazard Elimination in FHA Single Family, Multifamily, Sec. 8 Hsg Assistance Payments for Sub Rehab, & Sec. 8 Existing Hsg Cert. & Moderate Rehab (S-19-86; FR-2223)	2501-AA53
896	24 CFR 35.3 Lead-Based Paint Hazard Elimination in CDBG, UDAG, Secretary's Fund, Sec. 312 Rehab. Loan, Rental Rehab., and Urban Homesteading Programs (S-15-86; FR-2243)	2501-AA54
897	24 CFR 842 Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped (S-8-86; FR-1936)	2501-AA35

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
898	24 CFR 203 FHA Single Family Borrower Eligibility (H-12-87)	2502-AD94
899	24 CFR 203 Penalties for Mortgagees Conveying Properties with Title Defects (H-16-87)	2502-AD97
900	24 CFR 219 Flexible Subsidy Program (H-48-82)	2502-AA53
901	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31
902	24 CFR 3280 Notice Requesting a Private Organization to Develop and Maintain the Federal Manufactured Home Construction and Safety Standards (H-9-87; FR-2271)	2502-AD85

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Office of Housing—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
903	24 CFR 3280 Manufactured Home Construction & Safety Construction on Siding & Roofing Materials & Application Criteria (H-8-87; FR2327)	2502-AE06
904	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60

Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
905	24 CFR 200.935 Use of Materials Bulletin No. 86 - HUD Building Product Standards and Certification Program for EPDM Roofing (H-106-82)	2502-AA68
906	24 CFR 200 Use of Materials Bulletin No. 40c - Grademarking of Plywood (H-21-85)	2502-AD01
907	24 CFR 0200 Definition of Master Conditional Commitment (H-15-86; FR 2123)	2502-AD48
908	24 CFR 200 Minimum Property Standards (MPS) for Housing -- Water Supply Systems (H-31-86; FR-2255)	2502-AD64
909	24 CFR 200 Issuance of FHA Debentures (H-36-86; FR-2268)	2502-AD68
910	24 CFR 200.163 Direct Endorsement Underwriter's Certification (H-29-86; FR-2241)	2502-AD71
911	24 CFR 200 Use of Material Bulletin used in HUD Bldg. Product Standards and Certification Program for Mat-Formed Particleboard Sheathing Panels(H-7-87; FR-2322)	2502-AD92
912	24 CFR 200 Revision of Use of Materials Bulletin used in the HUD Bldg. Product Standard and Certification Program (H-4-87; FR2308)	2502-AE04
913	24 CFR 200.935 Rev. of UMB 44d to allow the Use of Carpet in Bathrooms & Kitchens Over a Concrete-Masonery Flooring System and a New Classification System for Carpet (H-20-87)	2502-AE07
914	24 CFR 0201 Miscellaneous Amendments to Part 201--Property Improvement and Manufactured Home Loans (FR-2171; H-4-86)	2502-AD37
915	24 CFR 201.54 Filing Period for Resubmission of Denied Claims (H-43-86)	2502-AD80
916	24 CFR 203 One-Time Mortgage Insurance Premium for Non-Mutual Fund - Single Family Insurance Program (H-40-84; FR-1930)	2502-AC35
917	24 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
918	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
919	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
920	24 CFR 203 Single Family Foreclosures--Deficiency Judgements (H-6-86; FR-2193)	2502-AD38
921	24 CFR 203 Elimination of Closing Costs as an Item Eligible for Inclusion as Part of an FHA Insured Single Family Mortgage (H-10-86; FR-2203)	2502-AD39
922	24 CFR 203.43 Refinancing of Existing HUD-Insured Mortgages (H-8-86; FR-2197)	2502-AD41
923	24 CFR 0203 Single Family Claim Settlements - Waivers of Amounts due Mortgagees or HUD of $50 or Less (H-11-86; FR-2204)	2502-AD50
924	24 CFR 203 Termination of Section 245(b) GPM Program (H-34-86; FR-2266)	2502-AD63
925	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036)	2502-AD65
926	24 CFR 203 Types of Satisfactory Title Evidence (H-48-86)	2502-AD83
927	24 CFR 203 Elimination of Prohibition on the Payment of Fees to Third Parties in Multifamily Insurance Mortgage Transaction (H-5-87; FR-2314)	2502-AD90
928	24 CFR 203 Single Family Mortgage Insurance Premium (H-11-87)	2502-AD93
929	24 CFR 203 Deregulation of Post-Endorsement and Loan Origination Fees in FHA Single Family Housing (H-18-87; FR-2333)	2502-AD98
930	24 CFR 203 Single Family Downpayment Requirements (H-17-87; FR-2334)	2502-AD99
931	24 CFR 207 Multifamily Mortgage Insurance (H-96-82)	2502-AA63
932	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
933	24 CFR 215 Preference in the Provision of Housing for Families Who Are Occupying Substandard Housing, Are Involuntarily Displaced, or Are Paying More Than 50% of Family Income (H-22-80; FR-1597)	2502-AA34
934	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
935	24 CFR 221.55 Assignment Option (H-44-86)	2502-AD78
936	24 CFR 235.361 Recovery of Section 235 Assistance Payments (H-18-86)	2502-AD45
937	24 CFR 252 Coinsurance for Nursing Homes and Intermediate Care Facilities (H-32-86; FR-2256)	2502-AD74
938	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2502-AA73
939	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91
940	24 CFR 882 Section 8 Housing Assistance Payments Program-Public Housing Agency Administrative Fees (H-12-86; FR-2207)	2502-AD95
941	24 CFR 882 Section 8 Housing Assistance Payments Programs-- Miscellaneous Amendments (H-19-87; FR-2335)	2502-AE00
942	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03

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Office of Housing—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
943	24 CFR 247 Revisions to Part 886 Termination of Tenancy (H-59-84; FR-1950)	2502-AC59
944	24 CFR 886 Provision of Section 8 Existing Housing Assistance for Projects at Foreclosure Sales (H-3-86; FR-2158)	2502-AD43
945	24 CFR 886.310 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275)	2502-AD69
946	24 CFR 1710 Land Registration (H-21-86)	2502-AD54
947	24 CFR 1710 Exemption from Interstate Land Sales Registration (H-47-86)	2502-AD81
948	24 CFR 3280 Manufactured Home Construction and Safety Standards - Deregulatory Proposals (H-39-86; FR-2277)	2502-AD59
949	24 CFR 3280 Manufactured Home Construction and Safety Standards - Thermal Energy Standards Deregulation (H-42-86; FR-2280)	2502-AD62
950	24 CFR 3280.504 Part 3280 - Interpretative Bulletin on the Vapor Barrier Requirements of 24 CFR 3280.504 (H-46-86; FR-2285)	2502-AD82
951	24 CFR 3280.308 Manufactured Home Construction and Safety Standards - Formaldehyde Regulations (H-10-87; FR-2332)	2502-AE02
952	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279)	2502-AD61
953	24 CFR 3500 Real Estate Settlement Procedures Act – Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
954	24 CFR 200 Lead Standards in Water Piping - Subpart S - MPS (H-1-87; FR2290)	2502-AE03
955	24 CFR 200 Manufactured Home Construction and Safety Standards for Lead in Water Piping (H-3-87; FR2296)	2502-AE05
956	24 CFR 203 Conveyance of One- to Four-Family Properties Occupied by Tenants or Former Mortgagors (H-9-85; FR-2064)	2502-AB10
957	24 CFR 203.49 Insurance of Single Family Adjustable Rate Mortgages (H-32-84; FR-1916)	2502-AC43
958	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
959	24 CFR 207 Mortgage Insurance Programs under National Housing Act (H-48-81; FR-1525)	2502-AA90
960	24 CFR 0207.32a Eligibility of Mortgages on Existing Properties - Inspection Fees (H-20-86; FR-2224)	2502-AD47
961	24 CFR 0207 Requirements for Insurance of Leaseholds on Multifamily Mortgages (H-22-86; FR-2222)	2502-AD53
962	24 CFR 232 Interest Rates for Fire Safety Equipment in Nursing Homes to be Set by FR Notice (H-10-85; FR-2065)	2502-AC85
963	24 CFR 234 Condominium Ownership Mortgage Insurance-1983 Act Amendments (H-71-84; FR-1999)	2502-AC79
964	24 CFR 241 Additional Revisions - Hospital Insurance (H-24-86; FR-2227)	2502-AD70
965	24 CFR 255 Technical Revisions - Coinsurance for the Purchase or Refinancing of Multifamily Housing Projects (H-35-86; FR-2267)	2502-AD73
966	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
967	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
968	24 CFR 880 Shared Housing in the Section 8 New Construction and Substantial Rehabilitation Programs (H-27-86; FR-2239)	2502-AD67
969	24 CFR 882.101 Section 8 Housing Assistance Payments Programs Portability of Section 8 Existing Housing Certificates (H-46-83; FR-1800)	2502-AB88
970	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238)	2502-AD66
971	24 CFR 885 Section 202 - Loans for Housing for the Elderly or Handicapped (H-10-84; FR-1899)	2502-AC53
972	24 CFR 886 Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages (H-89-78)	2502-AA41
973	24 CFR 887 Section 8 Housing Assistance Payments Program - Housing Vouchers (H-42-85; FR-2170)	2502-AD26
974	24 CFR 3280 Manufactured Home Construction and Safety Standards - General (H-33-86; FR-2276)	2502-AD58

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
975	24 CFR 15 Disclosure of Financial Information to Mortgage Purchasers (H-78-84; FR-2014)	2502-AC65
976	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance and Grant Program (CPD-74-84; FR-2007)	2502-AC76
977	24 CFR 200 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24

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Office of Housing—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
978	24 CFR 200 Use of Materials Bulletin No. 48a - HUD Building Product Standards and Certification Program for Pressure Treated Lumber and Plywood (H-17-85)	2502-AC98
979	24 CFR 200 Use of Materials Bulletin No. 71 - Polystyrene Foam Board (H-20-85)	2502-AD00
980	24 CFR 200 Use of Materials Bulletin No. 88 - Mat Formed Particleboard (H-22-85)	2502-AD02
981	24 CFR 203.43c Eligibility of Mortgages Involving a Dwelling Unit in a Cooperative Housing Development (H-93-82; FR-1742)	2502-AA61
982	24 CFR 203.18 Veteran Qualifications–Eligibility Requirements for Mutual Mortgage Insurance and Rehabilitation Loans (H-47-83; FR-1801)	2502-AB89
983	24 CFR 203, et al Single Family Mortgage Insurance on Hawaiian Home Lands (H-39-84; FR-1928)	2502-AC36
984	24 CFR 200 Payment of Single Family Mortgage Insurance without Conveyance of Title (H-38-84; FR-1927)	2502-AC37
985	24 CFR 203 FHA Mortgage Insurance on Indian Land where the Tribe is the Mortgagor (H-8-85; FR-2059)	2502-AC81
986	24 CFR 0203.283 Eliminate Payment of a Refund or Distributive Share Payment for MIP Termination Due to Nonconveyance Election of the Mortgagee (H-16-86; FR-2214)	2502-AD51
987	24 CFR 203.1-9 Eligibility Requirements for Mortgagee Approval by HUD (H-30-86; FR-2252)	2502-AD72
988	24 CFR 203 Deregulation of Loan Origination Fees (H-14-87)	2502-AD96
989	24 CFR 204 Single Family Coinsurance Program Revisions (H-28-80; FR-1094)	2502-AB01
990	24 CFR 207 Cooperative Housing Mortgage Insurance Subordinated Secretary-held Mortgages (H-33-83; FR-1756)	2502-AB97
991	24 CFR 207 Change in Default Notice Reporting Period - Multifamily Insurance (H-4-84; FR-1842)	2502-AC18
992	24 CFR 235 Amendments to the Section 235 Program (H-3-85; FR-2037)	2502-AC93
993	24 CFR 278 Mandatory Meals Programs in HUD-Assisted Housing Projects (H-43-85; FR-2179)	2502-AD27
994	24 CFR 0251.207 To Exempt Loans Already Coinsured from the One-Fourth Limitation on Coinsurance of Portfolio Loans (H-2-86; FR-2155)	2502-AD49
995	24 CFR 290.17 HUD-Owned Multifamily Projects - Management and Disposition - Rent Setting Provisions (H-41-85; FR-2142)	2502-AD33
996	24 CFR 882 Section 8 Housing Assistance Payments Program - Moderate Rehabilitation (H-38-81; FR-1527)	2502-AA86
997	24 CFR 882 Targeting of Section 8 Certificates of Family Participation (H-22-83; FR-1736)	2502-AB47
998	24 CFR 982 Section 8 Housing Assistance Payments Program-Public Housing Agency Administrative Fees (H-12-86; FR-2207)	2502-AD42
999	24 CFR 882 Section 8 Housing Assistance Payments Program - Requesting Exception Rents to the Fair Market Rents (H-14-86; FR-2213)	2502-AD44
1000	24 CFR 882 Section 8 Housing Assistance Payments Program– Existing Housing Certificate Program (H-I5-87)	2502-AE01
1001	24 CFR 3280.3 Manufactured Home Construction and Safety Standards - Standards Revision (H-30-85; FR-2137)	2502-AD10

Office of Community Planning and Development—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1002	24 CFR 0596 Designation of Enterprise Zones (CPD-11-83; FR-1913)	2506-AA45

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1003	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
1004	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
1005	24 CFR 0570 Amendments to Community Development Block Grant Regulations; Entitlement Program (CPD-4-86)	2506-AA68
1006	24 CFR 570.450 to 465 Community Development Block Grants, Urban Development Action Grants (CPD-9-86)	2506-AA72
1007	24 CFR 571.702 (b) Indian Community Development Block Grant Program: Revision to Corrective and Remedial Action (CPD-13-84; FR-2102)	2506-AA58

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Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1008	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
1009	24 CFR 570 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
1010	24 CFR 570 Community Development Block Grant Regulations (CPD-6-84; FR-1895)	2506-AA47
1011	24 CFR 575 Emergency Shelter Grant Program (CPD-1-87; FR-2298)	2506-AA74

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1012	24 CFR 510 Section 312 Rehabilitation Loan Program and Community Development Action Relocation Requirements (CPD-4-85; FR-2151)	2506-AA65
1013	24 CFR 570 Removal of Authority of Federal Financing Bank to Purchase Section 108 Guaranteed Obligations (CPD-5-86; FR-2245)	2506-AA69
1014	24 CFR 571 Community Development Block Grants for Indian Tribes and Alaskan Native Villages - Selection Process (CPD-11-84; FR-2000)	2506-AA33

Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1015	24 CFR 203 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03

Government National Mortgage Association—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1016	24 CFR 390 Mortgage-Backed Securities - Revision to Date for First Monthly Payment to Principal and Interest (GNMA-1-85; FR-2135)	2503-AA04

Office of Fair Housing and Equal Opportunity—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1017	24 CFR 100 Affirmative Fair Housing, Marketing Technical Amendments (FH&EO-2-83; FR-1670)	2529-AA17

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1018	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28
1019	24 CFR 111 Audit Requirements for the Fair Housing Assistance Program and the Community Housing Resource Boards (FH&EO-1-86; FR-2140)	2529-AA30
1020	24 CFR 111 Fair Housing Assistance Program; Program Description and Eligibility Criteria (FHEO-2-87)	2529-AA32
1021	24 CFR 115 Recognition of Jurisdiction with Substantially Fair Housing Laws (FHEO-1-87)	2529-AA31

HUD

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1022	24 CFR 120 Amendments of the Community Housing Resource Board Regulations (FH&EO-1-85; FR-2085)	2529-AA27

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1023	24 CFR 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities (FH&EO-4-84; FR-770)	2529-AA26
1024	24 CFR 105 Procedure for Processing Complaints under Section 804 of the Fair Housing Act (FH&EO-6-84; FR 2012)	2529-AA24
1025	24 CFR 146 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HUD (FH & EO-1-79; FR-1161)	2529-AA01

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1026	24 CFR 114 Fair Housing-Property Insurance Activities (FH&EO-10-78)	2529-AA10

Office of Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1027	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01
1028	24 CFR 0045 OMB Circular A-102, Uniform Requirement for Assistance to State and Local Governments (ADM-1-86, FR-2178)	2535-AA13

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1029	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1030	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10

HUD

Office of Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1028	24 CFR 0045 OMB Circular A-102, Uniform Requirement for Assistance to State and Local Governments (ADM-1-86, FR-2178)	2535-AA13

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1029	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1030	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10

Office of Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1031	48 CFR 24 HUD Acquisition Regulation (ADM-2-84; FR-2098)	2535-AA06
1032	24 CFR 44 OMB Circulars Regarding Grant Management and Cost Principles (ADM-1-85; FR-2044)	2535-AA08
1033	24 CFR 65 Discretionary Grant and Cooperative Agreement Policies and Procedures (ADM-5-86; FR-2107)	2535-AA14
1034	24 CFR 111 Audit Requirements for the Fair Housing Assistance Program and the Community Housing Resource Boards (FH&EO-1-86; FR-2140)	2535-AA11

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1035	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
1036	24 CFR 905 Indian Housing Program--Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1037	24 CFR 905.211 Preemption of Certain State-Determined Prevailing Wage Rates Applicable to Public and Indian Housing Projects (P-6-86; FR-2231)	2577-AA42
1038	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1039	24 CFR 941 Public and Indian Housing - Application Processing Procedures (P-10-86; FR-1946)	2577-AA44
1040	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40

HUD

Office of Public and Indian Housing—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1041	24 CFR 968 Public and Indian Housing Cost Containment Procedures - Comprehensive Improvement Assistance Program and Indian Housing (P-9-86; FR-2262)	2577-AA43
1042	24 CFR 989 Disallowance of Legal Expenses for Suits against HUD (P-2-85; FR-2134)	2577-AA33

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1043	24 CFR 968 Public and Indian Housing - Cost Containment Procedures (P-1-86; FR-2191)	2577-AA37
1044	24 CFR 913 Revised Occupancy Policies in Public and Indian Housing (P-7-86; FR-2240)	2577-AA41
1045	24 CFR 960 Public Housing -- Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1046	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1047	24 CFR 905 Indian Preferences (P-51-83; FR-1808)	2577-AA26
1048	24 CFR 964 Tenant Participation in Management of Public and Indian Housing Projects (P-1-85; FR-2033)	2577-AA30
1049	24 CFR 990.105 Performance Funding System - Elimination of Inflation Factor for Fiscal Year 1987 (P-3-86; FR-2210)	2577-AA36

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of the Secretary (HUDSEC)

875. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None.

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of the Secretary (HUDSEC)

876. ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Legal Deadline: None.

Abstract: This rule would remove regulations that are obsolete or duplicative. The rule would also decontrol some programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Tim Coward, Attorney Advisor, Office of Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501-AA50

877. ● AMENDING RULES ON RULES AND FOIA RULES (S-3-87; FR-2320)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 10; 24 CFR 15; 24 CFR 1720

Legal Deadline: None.

Abstract: The Department is reviewing its procedural rules to determine to what extent they need to be updated. This includes the rules the Department uses in developing new rules or amending existing regulations, and the procedures the public may use in commenting on a rulemaking or must use to obtain information from HUD under the Freedom of Information Act as well as procedures applicable to the Interstate Land Sales Registration Program. It is the Department's intention to streamline procedures, to make procedures more uniform, to clarify procedures for public petition for rulemaking, and to be more explicit about the kinds of rulemaking that will be subject to public participation and the circumstances under which rules may receive expedited treatment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501-AA57

878. ● ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS (S-2-87; FR-2310)

Significance: Agency Priority

Legal Authority: PL 99-501

CFR Citation: 24 CFR 28

Legal Deadline: Statutory, April 21, 1987.

Abstract: This rule would implement the Program Fraud Civil Remedies Act of 1986 by establishing administrative procedures for imposing civil penalties and assessments against persons who file false claims or statements while applying for certain benefits provided by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Patricia M. Black, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7200

RIN: 2501-AA58

879. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 46

Legal Deadline: None.

Abstract: In response to a Presidential Commission, an Interagency Task Force on the Protection of Human Subjects in Research has proposed that all Federal agencies adopt a common policy and uniform regulations for the protection of human subjects in research.

HUD has agreed to adopt the policy and to issue a regulation based on a model to be promulgated by the Office of Science and Technology Policy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Compliance costs for HUD's adoption of the model regulation will be minimal, because almost all research conducted by HUD falls within categories exempted from the requirements of the model regulation. The infrequent projects that may not be exempt (perhaps one every two years) have in the past been proposed by organizations already subject to the Department of Health and Human Services regulation, and thus would not have any incremental compliance costs for the organization, other than the actual project requirements.

Costs would be slight.

Affected Sectors: Profit and Non-profit Research Organizations.

Levels of Government Affected: only HUD itself.

The Executive Order will be published for public comment and then promulgated with changes, if any, resulting from public comment.

Agency Contact: Arthur S. Newburg, Senior Advisor for Research Management, Department of Housing and Urban Development, Office of the Secretary, 202 755-8230

RIN: 2501-AA15

880. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 50; 24 CFR 55; 24 CFR 58; 24 CFR 200

Legal Deadline: None.

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule

would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-7894

RIN: 2501-AA23

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881. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None.

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA30

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882. ● FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE LOAN AND GRANT PROGRAMS (CPD-74-84; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None.

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving mortgage insurance, loans and grants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Replaced RIN: 2502-AC76

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6611

RIN: 2501-AA59

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883. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS (S-13-86; FR-2316)

Legal Authority: EO 11514; EO 11991; 42 USC 1437(i); 42 USC 4332; 42 USC 5304(f)

CFR Citation: 24 CFR 0058

Legal Deadline: None.

Abstract: This rule is related to RIN: 2501-AA25 (S-6-84; FR-1965). It proposes revisions in the regulations governing environmental review, decisionmaking and other actions by recipients of HUD assistance under the CDBG, Rental Rehabilitation and Housing Development grant programs that are not appropriate for final rulemaking. The proposed rulemaking is intended to solicit comments from the public on revisions to environmental policy that program experience has indicated may enhance compliance with NEPA, other environmental authorities and HUD legislation under the affected assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Charles E. Thomsen, Architect, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA39

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884. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (S-5-86; FR-2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None.

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: William L. Johncox, Department of Housing and Urban Development, Office of the Secretary, Office of Labor Relations, 202 755-5370

RIN: 2501-AA40

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of the Secretary (HUDSEC)

Final Rule Stage

885. STANDARDS OF CONDUCT (S-5-85; FR-2146)

Legal Authority: EO 11222; 18 USC 201 to 209

CFR Citation: 24 CFR 00

Legal Deadline: None.

Abstract: This rule would revise and improve the Department's Standards of Conduct regulation. It would clarify the current rule and eliminate redundant and outdated material. In addition, it would conform the current rule to subsequently enacted statutes.

Timetable:

Action	Date	FR Cite
NPRM	08/22/86	51 FR 30178
NPRM Comment Period End	10/21/86	51 FR 30178
Final Action	07/00/87	

Small Entity: No

Agency Contact: David D. White, Asst. General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the Secretary, Office of Equal Opportunity and Admin. Law, 202 755-7137

RIN: 2501-AA31

886. TESTIMONY, PRODUCTION AND DISCLOSURE OF MATERIAL OR INFORMATION BY HUD EMPLOYEES (S-17-86; FR-2273)

Legal Authority: 5 USC 301; 5 USC 552; 42 USC 3535(d)

CFR Citation: 24 CFR 15

Legal Deadline: None.

Abstract: 24 CFR Part 15 contains HUD's rules for the disclosure of information and production of any material in its possession or acquired by an employee or former employee as a part of the performance of his official duties or because of his official status. The current rule prohibits such disclosure or production, "in response to a demand of a court or other authority," without the prior approval of the Secretary. 24 CFR 15.72. Filling a gap in the current rule, this final rule describes the situations in which the Secretary will permit the testimony of current and former HUD employees in judicial, quasi-judicial, and legislative proceedings concerning information acquired as part of the performance of their official duties or because of their official status. In addition, the rule prohibits, subject to waiver by the Secretary, any employee or former employee from being called as an expert or opinion witness, by any party other than the United States, as to matters related to his duties or the functions of the Department, including the meaning of departmental documents.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Carolyn B. Lieberman, Deputy General Counsel (Operations), Department of Housing and Urban Development, Office of the Secretary, 202 755-7250

RIN: 2501-AA51

887. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None.

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7184

RIN: 2501-AA55

888. SUSPENSION AND DEBARMENT (S-2-79; FR-1676)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None.

Abstract: Would amend 24 CFR Part 24 to conform with OMB guidelines for nonprocurement debarment, providing for government-wide effect of debarment by one Federal agency (51 FR 6370). Additionally, it would (1) clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, and (2) clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46072
NPRM Comment Period End	12/12/83	48 FR 46072

Next Action Undetermined

Small Entity: No

Agency Contact: Patricia Black, Asst Gen Coun for Insp Gen & Admn Proceedngs, Department of Housing and Urban Development, Office of the General Counsel, 202 755-5557

RIN: 2501-AA05

889. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN ADMINISTRATIVE PROCEEDINGS (S-2-86; FR-2156)

Legal Authority: 5 USC 554; PL 96-481; PL 99-80

CFR Citation: 24 CFR 14; 24 CFR 20.10

Legal Deadline: None.

Abstract: This rule will implement the 1985 amendments to the Equal Access to Justice Act to provide attorney's fees to prevailing parties in actions against the government where the government is unable to show that its conduct is substantially justified.

Timetable:

Action	Date	FR Cite
NPRM	01/26/84	49 FR 3202
NPRM Comment Period End	03/26/84	49 FR 3202
Final Action	03/00/87	

Small Entity: No

Agency Contact: Grant E. Mitchell, Asst. GC for Fiscal Management & Energy Prog, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6550

RIN: 2501-AA44

HUD—HUDSEC

Final Rule Stage

890. ENVIRONMENTAL REVIEW PROCEDURES - RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAM (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None.

Abstract: This agenda item makes final two outstanding interim rules. These rule provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They includes: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3) additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) (CONT)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Rule Effective	07/31/84	49 FR 23610
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, 202 755-6611

RIN: 2501-AA25

891. ● RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-86; FR-1588)

Significance: Regulatory Program

Legal Authority: 42 USC 1436a; PL 99-603

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 912

Legal Deadline: None.

Abstract: Section 214 of the Housing and Community Development Act of 1980, as amended by section 329 of the Housing and Community Development Amendments of 1981 and by the Immigration Reform and Control Act of 1986, prohibits the Secretary from making financial assistance available under certain HUD programs for the benefit of any alien who is not a lawful resident of the United States under the Immigration and Nationality Act. The programs affected are public and Indian housing, the Section 8 Housing Assistance Payments programs, the Housing Voucher program, the Rent Supplement program, the section 235 assisted homeownership program, and the section 236 rental housing program.

These laws require that an applicant or participant in the programs declare whether he or she is a citizen or alien and if an alien must submit documents to show eligible status. Alien status will be verified with the Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/86	51 FR 11198
Final Action	00/00/00	

Small Entity: No

Additional Information: This rule was removed from the agenda when the final rule was published in April of 1986. It was first expected to be made effective in July, and then in September. Now that there is a new law to be implemented, the Immigration Reform and Control Act of 1986, and the Department has been prohibited from spending appropriated funds to enforce the April 1986 rule in fiscal year 1987, it is clear that (1) the rule will be revised before taking effect; and (2) the effective date will not be announced until after October 1, 1987.

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director

Rental and Occupancy Branch

Office of Public Housing

202-426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501-AA56

892. AMENDMENTS TO DEFINITION OF INCOME (S-12-86; FR-2184)

Legal Authority: 12 USC 1701s; 12 USC 1715z-1; 42 USC 1437a

CFR Citation: 24 CFR 0813.106; 24 CFR 0913.106; 24 CFR 0215.21; 24 CFR 0236.3

Legal Deadline: None.

Abstract: This rule will add a few categories of payments to those that are excluded from annual income for the Section 8, Public and Indian Housing, Rent Supplement and Section 236 programs. It amends Parts 813, 913, 215 and 236.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Additional Information: Contact for Section 8, Rent Supplement and Section 236 Programs:

James J. Tahash

Director, Program Planning Division

Office of Multifamily Housing Management

Office of Housing

(202) 426-3944

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2501-AA46

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of the Secretary (HUDSEC)

Completed Actions

893. IMPLEMENTATION OF THE INTEREST PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-9-84; FR-2022)

CFR Citation: 24 CFR 17; 24 CFR 200; 24 CFR 201; 24 CFR 203; 24 CFR 207; 24 CFR 202; 24 CFR 220; 24 CFR 232; 24 CFR 241; 24 CFR 250; 24 CFR 255

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated into FR-2092.	09/05/86	

Small Entity: No

Agency Contact: Samuel B. Rothman 202 755-7184

RIN: 2501-AA24

894. TAX REFUND DEDUCTION PROGRAM (S-2-85; FR-2092)

CFR Citation: 24 CFR 17

Completed:

Reason	Date	FR Cite
Final Action	10/31/86	51 FR 39748
Final Action Effective	02/06/87	52 FR 3795

Small Entity: Not Applicable

Agency Contact: Samuel B. Rothman 202 755-7184

RIN: 2501-AA52

895. LEAD-BASED PAINT HAZARD ELIMINATION IN FHA SINGLE FAMILY, MULTIFAMILY, SEC. 8 HSG ASSISTANCE PAYMENTS FOR SUB REHAB, & SEC. 8 EXISTING HSG CERT. & MODERATE REHAB (S-19-86; FR-2223)

Significance: Regulatory Program

CFR Citation: 24 CFR 35.24; 24 CFR 35.56; 24 CFR 200.800; 24 CFR 200.805; 24 CFR 200.810; 24 CFR 200.815; 24 CFR 200.820; 24 CFR 200.825; 24 CFR 200.830; 24 CFR 881.207; 24 CFR 882.109; 24 CFR 882.209; 24 CFR 882.404; 24 CFR 882.507; 24 CFR 882.514; ...

Completed:

Reason	Date	FR Cite
Final Action	01/15/87	52 FR 1876
Final Action Effective	03/02/87	52 FR 1876

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2501-AA53

896. LEAD-BASED PAINT HAZARD ELIMINATION IN CDBG, UDAG, SECRETARY'S FUND, SEC. 312 REHAB. LOAN, RENTAL REHAB., AND URBAN HOMESTEADING PROGRAMS (S-15-86; FR-2243)

Significance: Regulatory Program

CFR Citation: 24 CFR 35.3; 24 CFR 35.24; 24 CFR 510.410; 24 CFR 511.11; 24 CFR 570.202; 24 CFR 570.303; 24 CFR 570.458; 24 CFR 570.461; 24 CFR 570.608; 24 CFR 590.11

Completed:

Reason	Date	FR Cite
Final Action	02/17/87	52 FR 4870
Final Action Effective	03/19/87	52 FR 4870

Small Entity: No

Agency Contact: Don Patch 202 755-6587

RIN: 2501-AA54

897. PET OWNERSHIP IN ASSISTED RENTAL HOUSING FOR THE ELDERLY OR HANDICAPPED (S-8-86; FR-1936)

Significance: Regulatory Program

CFR Citation: 24 CFR 842; 24 CFR 942; 24 CFR 511; 24 CFR 243

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43270
Final Action Effective	03/02/87	52 FR 3795

Small Entity: No

Agency Contact: David Pass 202 755-5989

RIN: 2501-AA35

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Prerule Stage

898. ● FHA SINGLE FAMILY BORROWER ELIGIBILITY (H-12-87)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Implement legislation (proposed) to limit eligibility in the FHA single family insurance program to buyers of primary residences.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD94

899. ● PENALTIES FOR MORTGAGEES CONVEYING PROPERTIES WITH TITLE DEFECTS (H-16-87)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: 24 CFR 203.366 requires mortgagees to convey good marketable title, accompanied by title evidence satisfactory to the Commissioner. Despite this regulation and the fact that mortgagees are partially reimbursed for the costs, estimates indicate that at least six percent of all pieces of title evidence to HUD will require some form of corrective action. In many instances, this causes delays in marketing a property or closing a sale and results in additional expenses to HUD. With field staffs having the responsibility to review and approve all title evidence, arranging for correction to title problems creates additional burdens in view of increasing inventories and other priorities.

HUD believes that these problems will persist unless some form of punitive action is taken against mortgagees who fail to provide good marketable title.

HUD—OH

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	

Small Entity: Undetermined

Additional Information: This ANPRM relates to RIN: 2502 - AD83, Types of Satisfactory Title Evidence (H-48-86).

Agency Contact: Jacqueline Campbell, Director, Single Family Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502-AD97

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900. FLEXIBLE SUBSIDY PROGRAM (H-48-82)

Legal Authority: 12 USC 1715j; PL 95-551

CFR Citation: 24 CFR 219

Legal Deadline: None.

Abstract: Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Includes: H-64-82.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AA53

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901. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

Legal Authority: PL 98-181, Sec 217

CFR Citation: 24 CFR 219

Legal Deadline: None.

Abstract: Implements section 217 of the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of the General Counsel, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC31

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902. ● NOTICE REQUESTING A PRIVATE ORGANIZATION TO DEVELOP AND MAINTAIN THE FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-9-87; FR-2271)

Significance: Regulatory Program

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: In the Notice, HUD requests a private organization to develop and maintain the Federal Manufactured Home Construction and Safety Standards (FMHCSS) (24 CFR Part 3280). HUD published a Notice in the Federal Register of July 7, 1982 (47 FR 29605) that announced HUD's interest in having a nationally recognized building code or standards which could replace, by reference, all of the HUD standards now in the FMHCSS. HUD would retain the responsibility and authority to promulgate and enforce revisions to the FMHCSS, after formal notice and comment rulemaking. Model standards incorporated by reference in the FMHCSS would then become preemptive and be enforced as HUD standards.

Timetable:

Action	Date	FR Cite
ANPRM	02/13/87	52 FR 4663
ANPRM Comment Period End	04/14/87	52 FR 4663
NPRM	00/00/00	

Small Entity: No

Agency Contact: William C. Sorrentino, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD85

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903. ● MANUFACTURED HOME CONSTRUCTION & SAFETY CONSTRUCTION ON SIDING & ROOFING MATERIALS & APPLICATION CRITERIA (H-8-87; FR2327)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This Advance Notice of Proposed Rulemaking requests public comment on those portions of the Manufactured Home Construction and Safety Standards (Standards) that are applicable to the materials and application criteria for external coverings. The Department is concerned that certain siding and roofing materials, more common to conventional-type construction may not be compatible in important aspects with typical manufactured home construction. Consumer complaint information indicates that the current Standards do not address certain important problems areas.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE06

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904. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None.

Abstract: This action will request comments on how the Department could improve enforcement of the Manufactured Home Construction and Safety Standards by Production Inspection Primary Inspection Agencies (IPIAs), and, at the same time, be less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD60

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Housing (OH)

905. USE OF MATERIALS BULLETIN NO. 86 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR EPDM ROOFING (H-106-82)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935

Legal Deadline: None.

Abstract: Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Tseu-Liang Tang, Structural Engineer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5929

RIN: 2502-AA68

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906. USE OF MATERIALS BULLETIN NO. 40C - GRADEMARKING OF PLYWOOD (H-21-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD01

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907. DEFINITION OF MASTER CONDITIONAL COMMITMENT (H-15-86; FR 2123)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0200

Legal Deadline: None.

Abstract: This proposed regulation is clarifying in nature. It will provide a brief description of the master conditional commitment procedure HUD has in effect in its single family housing programs. Most likely the rule will take the form of a revision of 24 CFR 200.148.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 426-3046

RIN: 2502-AD48

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908. MINIMUM PROPERTY STANDARDS (MPS) FOR HOUSING -- WATER SUPPLY SYSTEMS (H-31-86; FR-2255)

Legal Authority: 12 USC 1701 to 1715a-18

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This proposed rule would amend the regulation relating to the applicability of the chemical and bacteriological standards of local health authorities to HUD-insured one- and two-family dwellings. This proposal provides that in the absence of local standards, those of the appropriate State agency would apply. This revision would simplify the requirements for water supply systems while furthering the Department's policy of relying on acceptable State and local building codes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mark W. Holman, Manufacutured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-6584

RIN: 2502-AD64

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909. ISSUANCE OF FHA DEBENTURES (H-36-86; FR-2268)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 207

Legal Deadline: None.

Abstract: This proposed rule would amend HUD regulations to authorize the transfer of authority for the issuance of FHA Debentures from United States Department of the Treasury to the Federal Reserve Bank of New York.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Timothy Toomer, Office of Finance and Accounting, Department of Housing and Urban Development, Office of Administration, 202 755-5747

RIN: 2502-AD68

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910. DIRECT ENDORSEMENT UNDERWRITER'S CERTIFICATION (H-29-86; FR-2241)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.163

Legal Deadline: None.

Abstract: The rule would authorize the mortgage lender (rather than its underwriter) to certify personally as to the correctness of certain items relating to the closing of a loan under the Department's direct endorsement program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Alan J. Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD71

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HUD—OH

Proposed Rule Stage

911. ● USE OF MATERIAL BULLETIN USED IN HUD BLDG. PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR MAT-FORMED PARTICLEBOARD SHEATHING PANELS(H-7-87; FR-2322)

Legal Authority: 42 USC 3535(d); 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would adopt UMB 88 that reference a standard of the American National Standards Institute (ANSI A 208.1.1979).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: Leslie Breden, Office of Manufactured Hsg. & Reg. Functions, Department of Housing and Urban Development, Office of Housing, 202 755-5929

RIN: 2502-AD92

912. ● REVISION OF USE OF MATERIALS BULLETIN USED IN THE HUD BLDG. PRODUCT STANDARD AND CERTIFICATION PROGRAM (H-4-87; FR2308)

Legal Authority: 12 USC 3535(d)

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would revise the following existing UM Bulletins in order to update the standards referenced in the UM's in accordance with 24 CFR 2009.35.

UM 39a Aluminum Windows, Sliding Glass Doors and Storm Doors UM 48a Pressure Treated Lumber & Plywood UM 52a Wood Flush Doors UM 71 Polystyrene Form Insulation Sheathing Board UM 54 Solid Fuel Type Room Heaters & Fireplace Stove.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Leslie H. Breden, Officed of Manufactured Housing & Regulatory, Functions, Department of Housing and Urban Development, Office of Housing, 202 755-5929

RIN: 2502-AE04

913. ● REV. OF UMB 44D TO ALLOW THE USE OF CARPET IN BATHROOMS & KITCHENS OVER A CONCRETE-MASONERY FLOORING SYSTEM AND A NEW CLASSIFICATION SYSTEM FOR CARPET (H-20-87)

Legal Authority: Technical Suitability of Products Program of the Nat'l Hsg Act

CFR Citation: 24 CFR 200.935

Legal Deadline: None.

Abstract: A revised standard for carpet was issued on June 23, 1986 as Use of Materials Bulletin No. 44d to recognize the use of wall-to- wall carpet as a technically suitable material for finished flooring. The value of carpet is included in HUD mortgage insurance programs. A typical life for carpet of 8 years was used to compare the replacement cost of carpet versus other materials used as flooring such as ceramic tile, or vinyl tile or sheet flooring. Any reduction in the life expectancy that would increase the replacement cost of carpet also would not be a reasonable economic justification for including the cost of carpet under HUD's mortgage insurance program. The American Textile Manufacturers Institute has recommended the use of carpet in bathrooms and kitchens provided that they are composed of nylon of textures A,B, or C Type I Class 2 or polypropylene of textures A or B Type I Class 2, and is maintained properly. HUD (CONT'D)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Additional Information: (ABSTRACT CONT'D) is revising UM 44d to incorporate these changes in a proposed rule provided that the carpet is applied over a concrete-masonery flooring system. Comments on this change to UM 44d will be requested. In addition, a new classification system for attached cushion is proposed.

Agency Contact: Donald R. Fairman, Chief, Technical Support Branch, Manf. Hsg. & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502-AE07

914. MISCELLANEOUS AMENDMENTS TO PART 201—PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS (FR-2171; H-4-86)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 0201

Legal Deadline: None.

Abstract: The proposed rule would (1) change the period for the financing of premiums for comprehensive and extended hazard insurance from three years to one year; (2) add a new subpart G to govern collection of claims owed to HUD under Title I loans, and (3) make other revisions to the Title I rule, which was promulgated in the Federal Register of October 25, 1985 (50 FR 43516).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Christopher Peterson, Dir. Ofc of Manufacture Hsg & Reg Functions, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD37

915. FILING PERIOD FOR RESUBMISSION OF DENIED CLAIMS (H-43-86)

Significance: Agency Priority

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201.54

Legal Deadline: None.

Abstract: It is the responsibility of lending institutions to submit complete and accurate loan files so that the Department can process the Title I Application for Loss in a timely manner and proceed with debt collection efforts. Inordinate delays of more than a year can often occur between the time a claim is returned to the lender because of regulatory violations or incomplete submissions and the lender's making an appeal of the denial. At present, there is no control on the refiling period.

If the appeal is approved for payment, debt collection efforts can be impaired by the often lengthy time between default on the loan and the initiation of collection efforts by the Department. Also, much staff time is spent in reviewing resubmitted claims which are being irresponsibly and repeatedly returned by lending institutions. This rule would control the time period during which appeals could be filed, the number of resubmitted claims, and the quality of the submissions. (CONT'D)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT'D: This rule proposes that lending institutions that wish to appeal the denial of their application for Title I claim payments must return the claims with a narrative appeal within 3 months of the date of the letter of denial.

Agency Contact: Donald C. Demitros, Dir., Mortgage Insurance Accounting and Servicing, Department of Housing and Urban Development, Office of Housing, 202 755-3645

RIN: 2502-AD80

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916. ONE-TIME MORTGAGE INSURANCE PREMIUM FOR NON-MUTUAL FUND - SINGLE FAMILY INSURANCE PROGRAM (H-40-84; FR-1930)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 221; 24 CFR 226; 24 CFR 227; 24 CFR 234

Legal Deadline: None.

Abstract: This rule would extend the one-time mortgage insurance premium provision for single-family mortgages to funds other than the Mutual Mortgage Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James B. Mitchell, Director, Department of Housing and Urban Development, Office of Housing, Financial Policy Division, 202 426-4325

RIN: 2502-AC35

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917. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at which time, the mortgagee is expected to produce all the supporting receipts, payment ledger records, etc.

Regulations will be changed to specify the retention period and file contents for records supporting single family claim payments and mortgage reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Fred W. Pfaender, Acting Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502-AC50

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918. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: The new single family process provides for "random audits" of mortgagees' records when single family claims for insurance benefits are filed with HUD. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Donald C. Demitros, Director, Mortgage Insurance Accounting and, Servicing, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-5645

RIN: 2502-AC54

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919. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None.

Abstract: Proposed regulation to protect HUD against claims brought under the Federal Tort Claims Act, which claim negligent HUD inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AC92

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920. SINGLE FAMILY FORECLOSURES—DEFICIENCY JUDGEMENTS (H-6-86; FR-2193)

Significance: Regulatory Program

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would permit HUD to require lenders to seek deficiency judgments after a single family home foreclosure and would provide reimbursement to the lender for its costs.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4507
NPRM Comment Period End	03/16/87	52 FR 4507
Final Action	09/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD38

921. ELIMINATION OF CLOSING COSTS AS AN ITEM ELIGIBLE FOR INCLUSION AS PART OF AN FHA INSURED SINGLE FAMILY MORTGAGE (H-10-86; FR-2203)

Significance: Regulatory Program

Legal Authority: 12 USC 1709; 12 USC 1715y

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 234

Legal Deadline: None.

Abstract: Current HUD policy is to allow a percentage of closing costs associated with the financing of single family homes to be included as part of the insurable mortgage amount. This results from the HUD treating closing costs as part of the appraised value or cost of acquisition of a single family property. It is proposed that HUD regulations be revised so that "appraised value" is defined in a manner that would prohibit the inclusion of closing-related costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Director, Office of Insured SF Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD39

922. REFINANCING OF EXISTING HUD-INSURED MORTGAGES (H-8-86; FR-2197)

Significance: Regulatory Program

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.43; 24 CFR 221; 24 CFR 234

Legal Deadline: None.

Abstract: This proposed rule would revise HUD's present regulations at 24 CFR Parts 203, 221, and 234 to provide for insured refinancing of HUD insured mortgages.

Timetable:

Action	Date	FR Cite
NPRM	02/10/87	52 FR 4138
NPRM Comment Period End	04/13/87	52 FR 4138

Small Entity: No

Agency Contact: John Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD41

923. SINGLE FAMILY CLAIM SETTLEMENTS - WAIVERS OF AMOUNTS DUE MORTGAGEES OR HUD OF $50 OR LESS (H-11-86; FR-2204)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0203

Legal Deadline: None.

Abstract: This proposed rule would authorize the Secretary of HUD to waive any amounts of $50 or less determined to be due either the mortgagee or HUD in connection with a single family insurance claim. In view of the volume of claims paid annually and the administrative costs involved, it is not deemed cost effective to either party to pay claims or collect monies for lenders for amounts of $50 or less.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: S. A. Evans, Director, Office of Finance and Accounting, Department of Housing and Urban Development, Office of Housing, 202 755-6310

RIN: 2502-AD50

924. TERMINATION OF SECTION 245(B) GPM PROGRAM (H-34-86; FR-2266)

Significance: Agency Priority

Legal Authority: 12 USC 1715z-10(b)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Section 245(b) of the National Housing Act permits the loan-to- value ratio of graduated payment mortgages (GPMs) to increase to as much as 113%. Because of the high claim rate among GPM's, HUD intends to discontinue its insuring authority under this program, thereby limiting a further increase in the number of claims made against the insurance fund.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Alan J. Kappeler, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD63

925. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This proposed rule would revise the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, insurance and financial backing, Plan coverage, and methods for determining Plan obligations.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Public Comments	Notice of Solicitation 11/14/84 (49 FR 45075)	

Small Entity: No

Agency Contact: John Coonts, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502-AD65

926. TYPES OF SATISFACTORY TITLE EVIDENCE (H-48-86)

Significance: Agency Priority

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would amend 24 CFR 203.385 to withdraw approval for use of attorney certificates of title used with mortgagee title policies and abstracts of title and attorneys' opinions. This change is intended to accommodate a plan for HUD to provide general warranty deeds to the purchasers of HUD 1-to-4-family properties. The amended regulation would provide approval for only those evidences of title which will provide protection to HUD even after sale of the property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Alan J. Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-3046

RIN: 2502-AD83

927. ● ELIMINATION OF PROHIBITION ON THE PAYMENT OF FEES TO THIRD PARTIES IN MULTIFAMILY INSURANCE MORTGAGE TRANSACTION (H-5-87; FR-2314)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Current regulation to provide for a blanket prohibition against the sharing of fees by a lender and other parties providing various services in connection with an FHA mortgage transaction. This rule would eliminate this blanket prohibition with respect to multifamily mortgage transactions where it does not comport with prevailing industry practice.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: James Hamernick, Director, Office of Insured Multifamily Hsg, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD90

928. ● SINGLE FAMILY MORTGAGE INSURANCE PREMIUM (H-11-87)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: FHA single-family mortgage insurance premiums will be set at levels comparable to those charged by the highest rated private mortgage insurers. Specifically, the mortgage insurance premium (MIP) will be calculated as if it were a AAA Moody's-rated private mortgage insurer. Such an MIP calculation would assume that FHA were required to maintain, sufficient reserves to withstand Moody's 10-year depression stress test, earn a market return on an imputed tax rate on its "earnings", etc. Pending approval of a legislative amendment removing the present cap on FHA premiums, this regulation will be deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD93

929. ● DEREGULATION OF POST-ENDORSEMENT AND LOAN ORIGINATION FEES IN FHA SINGLE FAMILY HOUSING (H-18-87; FR-2333)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Post-endorsement fees in the FHA single family program will be deregulated, as will loan origination fees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD98

930. ● SINGLE FAMILY DOWNPAYMENT REQUIREMENTS (H-17-87; FR-2334)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: A minimum 5 percent downpayment (as a percent of purchase price) will be required in the single family program for families earning over $40,000 per year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD99

931. MULTIFAMILY MORTGAGE INSURANCE (H-96-82)

Legal Authority: 12 USC 1715z-6; 12 USC 1752-9; 12 USC 1715l; 12 USC 1715z-7

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Legal Deadline: None.

Abstract: Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: April LeClair, Director, Insurance Division, Department of Housing and Urban Development, Office of Housing, Office

of Insured Multifamily Housing Development, 202 755-6223

RIN: 2502-AA63

932. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None.

Abstract: Rule will restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, 202 755-3970

RIN: 2502-AC49

933. PREFERENCE IN THE PROVISION OF HOUSING FOR FAMILIES WHO ARE OCCUPYING SUBSTANDARD HOUSING, ARE INVOLUNTARILY DISPLACED, OR ARE PAYING MORE THAN 50% OF FAMILY INCOME (H-22-80; FR-1597)

Significance: Regulatory Program

Legal Authority: 12 USC 1701s; 42 USC 1437d; 42 USC 1437f; PL 98-181, Sec 203

CFR Citation: 24 CFR 215; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 904; 24 CFR 905; 24 CFR 960; 24 CFR 885

Legal Deadline: None.

Abstract: Would establish preferences in the Public Housing, Section 8 and Rent Supplement programs for those "living in substandard housing", for those who are "involuntarily displaced" and for those paying more than 50 percent of their income for rent. The Department will be publishing a proposed rule again because of changes in position taken by the Department as a result of the public comments received on the 09/26/84 proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Additional contact persons:

1. Nancy Chisholm, Office of Policy, Office of Public and Indian Housing, 202 755-6713

2. Madeline Hastings, Existing Housing Division, Office of Housing, 202 755-6887

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, 202 426-3970

RIN: 2502-AA34

934. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None.

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to projects owned by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC73

935. ASSIGNMENT OPTION (H-44-86)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 221.55

Legal Deadline: None.

Abstract: This rule would make it possible for a mortgagee to net the escrow from the claim amount on automatic assignments. The escrow account can be built through a non-cash transaction in the Thrift system. This would eliminate misrouting of checks through the mail.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Donald C. Demitros, Director, Mortgage Insurance Accounting and Servicing, Department of Housing and Urban Development, Office of Housing, 202 755-5645

RIN: 2502-AD78

936. RECOVERY OF SECTION 235 ASSISTANCE PAYMENTS (H-18-86)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 235.361

Legal Deadline: None.

Abstract: This rule would revise the regulation at 24 CFR 235.361 to more clearly describe who is responsible for overpaid assistance and the manner in which overpaid assistance will be collected from the mortgagor.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Fred W. Pfaender, Acting Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502-AD45

937. COINSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES (H-32-86; FR-2256)

Legal Authority: 12 USC 1715z(9)

CFR Citation: 24 CFR 252

Legal Deadline: None.

Abstract: The rule would authorize the coinsurance of mortgages covering nursing homes or intermediate care facilities. Section 232 of the National

Housing Act authorizes the full insurance of nursing homes or intermediate care facilities. Under section 244 of the NHA coinsurance can also be made available for such facilities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: James L. Hamernick, Director, Office of Insured Multifamily Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD74

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938. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None.

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula, including some modifications to the factors making up the formula; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Additional Information: Includes: H-4-81, FR-1512.

Agency Contact: Stephen Cooley, Office of Housing Policy, Department of Housing and Urban Development, Office of Housing, 202 755-6454

RIN: 2502-AA73

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939. ● CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None.

Abstract: Upon publication of the Department's housing voucher regulation, work will begin to incorporate into Part 882, containing the Section 8 Certificate regulations, the various policies and simplified procedures of housing vouchers that can be applied to certificates.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD91

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940. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-PUBLIC HOUSING AGENCY ADMINISTRATIVE FEES (H-12-86; FR-2207)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882; 24 CFR 887

Legal Deadline: None.

Abstract: Under the Section 8 housing program, housing assistance payments are made to owners on behalf of eligible families. Generally, the Department administers this program through public housing agencies (PHAs). In exchange for providing the administrative support for the program, PHAs receive an administrative fee. This rule will revise two aspects of the administrative fee element of the program. First, the Department proposes to revise the base Fair Market Rent used to compute the Administrative Fee and second, the Department proposes to make the amount uniform for the Section 8 Certificate and Housing Voucher programs. This rule will also implement the revisions previously listed in RIN: 2502-AD40; FR2212, namely, commenters on proposed Fair Market Rents (FMRs) would have to submit data showing that the current or proposed FMRs are not adequate for the area. Portions of this rule will require intervening legislation before promulgation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Replaced old RIN: 2502-AD42

Agency Contact: Madeline Hasting, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD95

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941. ● SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS-- MISCELLANEOUS AMENDMENTS (H-19-87; FR-2335)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 882; 24 CFR 888

Legal Deadline: None.

Abstract: This rule would effect miscellaneous changes in the Section 8 Existing Housing Program aimed at promoting efficiency and uniformity in the several subprograms under Section 8. This proposal will make changes in the procedures associated with Annual Adjustments to rent, to facilitate downward adjustments in the annual adjustment factors where relevant indices of costs and prices call for such adjustments. The rule would also adjust administrative fees payable to PHAs under the Certificate program to make them conform to the manner in which fees are determined in the Housing Voucher program. The rule will also address uniformity issues between Certificates and Vouchers in the areas of Vacancy Payments, and would tighten existing standards for approving exceptions rents.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban

Development, Office of Housing, 202 755-6887

RIN: 2502-AE00

942. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None.

Abstract: This rule would amend HUD's current regulations on loans for housing for the elderly or handicapped. The proposed regulation would add regulatory provisions to govern section 202/8 project operations and management; would incorporate changes required by recent statutory amendments governing housing assistance payments and contracts; would modify application requirements governing site control, formation of the borrower corporation and limitations on number of units that entities may apply for within a single region; and would modify regulations governing the minimum capital investment escrow account.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC03

943. REVISIONS TO PART 886 TERMINATION OF TENANCY (H-59-84; FR-1950)

Legal Authority: 42 USC 1437a; 14 USC 1437c; 14 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 247; 24 CFR 886

Legal Deadline: None.

Abstract: This rule would make various amendments to Part 886-Section 8 Housing Assistance Payments Programs. The changes would apply 24 CFR Part 247 - Evictions from Certain Subsidized and HUD-Owned Projects, to terminations of tenancy under Part 886.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC59

944. PROVISION OF SECTION 8 EXISTING HOUSING ASSISTANCE FOR PROJECTS AT FORECLOSURE SALES (H-3-86; FR-2158)

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k)

CFR Citation: 24 CFR 886; 24 CFR 27

Legal Deadline: None.

Abstract: This interim rule would amend Parts 886 and 27 to make Section 8 assistance available for projects sold at foreclosure sales.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AD43

945. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.310; 24 CFR 886.330; 24 CFR 886.331; 24 CFR 886.334; 24 CFR 886.322; 24 CFR 886.333; 24 CFR 886.122

Legal Deadline: None.

Abstract: This proposed rule would amend Part 886 which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and the Section 8 housing assistance payments program for the disposition of HUD owned projects (Subpart C). This rule would (1) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Amendments of 1984; (2) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of projects under Subpart C and (3) make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502-AD69

946. LAND REGISTRATION (H-21-86)

Legal Authority: 15 USC 1701

CFR Citation: 24 CFR 1710

Legal Deadline: None.

Abstract: This rule would adjust the reporting and registering requirements for land registration and adjust the fee payment procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: John Weaver, Chief, Land Sales Policy Examination Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502-AD54

947. EXEMPTION FROM INTERSTATE LAND SALES REGISTRATION (H-47-86)

Significance: Agency Priority

Legal Authority: 15 USC 1718; 42 USC 3535(d)

CFR Citation: 24 CFR 1710

Legal Deadline: None.

Abstract: The Department is proposing to amend the regulatory exemption section of its regulations to provide further relief from registration

requirements with no loss in consumer protection.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: John L. Brady, Director, Interstate Land Registration Division, Department of Housing and Urban Development, Office of Housing, 202 755-0502

RIN: 2502-AD81

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948. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - DEREGULATORY PROPOSALS (H-39-86; FR-2277)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This rule will amend the Manufactured Home Construction and Safety Standards by deregulating matters which are not related to health, safety or durability issues. Rule will also reduce the Federal role in the Standards by referencing appropriate private sector requirements in lieu of maintaining government-originated criteria.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD59

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949. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - THERMAL ENERGY STANDARDS DEREGULATION (H-42-86; FR-2280)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This action will deregulate thermal energy and appliance efficiency requirements by deleting appropriate criteria from the Manufactured Home Construction and Safety Standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD82

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950. PART 3280 - INTERPRETATIVE BULLETIN ON THE VAPOR BARRIER REQUIREMENTS OF 24 CFR 3280.504 (H-46-86; FR-2285)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280.504

Legal Deadline: None.

Abstract: This interpretative bulletin will propose to interpret 24 CFR 3280.504, a provision of the Federal Manufactured Home Construction and Safety Standards, as prohibiting the use of ventilation systems using ceiling vents that discharge inside conditioned air into the attic/ceiling cavity. Section 3280.504 (a) currently requires ceilings to have a vapor barrier having a permeance not greater than 1 perm (dry cup method) installed on the lining side of the roof cavity. This proposed interpretation will clarify that ceiling-vent systems as described above violate section 3280.504(a) by intentionally allowing air migration into the ceiling cavity.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Manufactured Hsg. Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD82

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951. ● MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - FORMALDEHYDE REGULATIONS (H-10-87; FR-2332)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280.308; 24 CFR 3280.309; 24 CFR 3280.406

Legal Deadline: None.

Abstract: Medium density fiberboard is not currently covered by the standards but is a major emitter of formaldehyde. It is used extensively in cabinet construction and can cause problems similar to particleboard or plywood, materials already regulated by the standards.

Second, the Department has received a number of complaints concerning the language and posting requirements of the health notice. Consideration will be given to different notice requirements if the manufactured home meets more than the minimum standard of formaldehyde levels.

Third, the current rule requires recertification of plywood and particleboard following treatment with a product containing formaldehyde.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE02

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952. MANUFACTURED HOME DESIGN INSPECTION SYSTEM (H-41-86; FR-2279)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None.

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification or a revised organization for production inspection.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD61

HUD—OH — Proposed Rule Stage

953. REAL ESTATE SETTLEMENT PROCEDURES ACT -- CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None.

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The potential costs cannot be accurately projected but are believed to be incidental. The rule will also contain other miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Alan Kappeler, Office of Insured Single Family Housing, (202) 755-3046.

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, Fiscal Management and Energy Division, 202 755-6550

RIN: 2502-AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage

Office of Housing (OH)

954. ● LEAD STANDARDS IN WATER PIPING - SUBPART S - MPS (H-1-87; FR2290)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This final rule implements a provision of the Safe Drinking Water Act Amendments of 1986 that prohibits the insurance of a mortgage or the furnishing of assistance to newly constructed l residential property which contains a potable water system unless the system uses only lead free pipe, solder and flux. The provision is effective 24 months after the enactment of the Amendment.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE03

955. ● MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FOR LEAD IN WATER PIPING (H-3-87; FR2296)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This final rule implements a provision of the Safe Drinking Water Act Amendments of 1986 that prohibits the insurance of a mortgage or the furnishing of assistance to newly constructed residential property which contains a portable water system unless the system uses only lead free pipe, solder and flux. The provision is effective 24 months after the enactment of the Amendment.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE05

956. CONVEYANCE OF ONE- TO FOUR-FAMILY PROPERTIES OCCUPIED BY TENANTS OR FORMER MORTGAGORS (H-9-85; FR-2064)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would amend the current rule on occupied conveyances of HUD-acquired properties. Included are revised criteria for determining when HUD will accept conveyance of a one- to four-family property by a mortgagee when there are tenants of a former mortgagor in occupancy.

Timetable:

Action	Date	FR Cite
NPRM	02/25/86	51 FR 6556
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Jacqueline B. Campbell, Director, Department of Housing and Urban Development, Office of Housing, Single Family Property Disposition Division, 202 755-5740

RIN: 2502-AB10

957. INSURANCE OF SINGLE FAMILY ADJUSTABLE RATE MORTGAGES (H-32-84; FR-1916)

Legal Authority: 12 USC 1715z; PL 98-181, Sec 443

CFR Citation: 24 CFR 203.49

Legal Deadline: None.

Abstract: Regulations governing the insuring of mortgages, the terms of which permit adjustments to a mortgagor's payments based on changes in an interest rate index.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23580
Interim Rule Effective	07/30/84	49 FR 23580
Final Action	00/00/00	

Action	Date	FR Cite
Final Action Effective	00/00/00	

Small Entity: No

Additional Information: Under the 1985 Regulatory Program this appeared as part of RIN 2502-AD20.

Agency Contact: John Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-6720

RIN: 2502-AC43

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958. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Agency Priority

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None.

Abstract: Amendments to TMAP and Assignment rule in light of statutory changes, court holdings, and policy developments. This rule was identified in earlier Agendas as RIN 2502-AB79 (H-29-81; FR-1415).

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	03/05/87	52 FR 6908
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Fred Pfaender, Director, Single Family Servicing, Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502-AD34

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959. MORTGAGE INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT (H-48-81; FR-1525)

Legal Authority: 12 USC 1713; 12 USC 1715

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242

Legal Deadline: None.

Abstract: Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: April LeClair, Director, Insurance Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 426-7113

RIN: 2502-AA90

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960. ELIGIBILITY OF MORTGAGES ON EXISTING PROPERTIES - INSPECTION FEES (H-20-86; FR-2224)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 0207.32a

Legal Deadline: None.

Abstract: The regulations implementing the section 223(f) program excluded inspection fees for repairs required in the refinancing (or purchase) of projects insured under section 223(f). The program repair limits have been increased substantially however, and this regulatory amendment will provide for collection of an inspection fee to defray increased staff expenses.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36021
NPRM Comment Period End	12/08/86	51 FR 36021
Final Action	09/00/87	

Small Entity: No

Agency Contact: William Bornscheuer, Insurance Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6223

RIN: 2502-AD47

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961. REQUIREMENTS FOR INSURANCE OF LEASEHOLDS ON MULTIFAMILY MORTGAGES (H-22-86; FR-2222)

Legal Authority: 12 USC 1707

CFR Citation: 24 CFR 0207; 24 CFR 0213; 24 CFR 0221; 24 CFR 0234; 24 CFR 0242

Legal Deadline: None.

Abstract: This rule would amend HUD regulations to permit mortgages on leased land to be eligible for insurance if the lease has a period of not less than ten years to run beyond the maturity date of the mortgage. (Current regulations require that such leasehold have a period of not less than 75 years to run from the date the mortgage was executed.)

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Linda Cheatham, Director, Technical Support Division, Department of Housing and Urban Development, Office of Housing, 202 426-0035

RIN: 2502-AD53

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962. INTEREST RATES FOR FIRE SAFETY EQUIPMENT IN NURSING HOMES TO BE SET BY FR NOTICE (H-10-85; FR-2065)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 232

Legal Deadline: None.

Abstract: This final rule would interpret Section 104(b) of the Housing and Community Development Technical Amendments of 1984, to authorize the Department's publishing of interest rates for fire safety equipment in nursing homes by Federal Register Notice.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael Phillips, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2502-AC85

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963. CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE-1983 ACT AMENDMENTS (H-71-84; FR-1999)

Legal Authority: 12 USC 1715y

CFR Citation: 24 CFR 234

Legal Deadline: None.

Abstract: This rule will revise the requirements for condominium

mortgage insurance. It removes a restriction on eligibility for condominium insurance where an uninsured project is less than a year old, and restricts the availability of unit mortgage insurance in projects converted from rental housing use.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26792
NPRM Comment Period End	08/27/85	50 FR 26792

Next Action Undetermined

Small Entity: No

Additional Information: Includes: FR-1388

Agency Contact: John Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6270

RIN: 2502-AC79

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964. ADDITIONAL REVISIONS - HOSPITAL INSURANCE (H-24-86; FR-2227)

Significance: Regulatory Program

Legal Authority: 12 USC 1715b; 12 USC 1715z-6; 12 USC 1715z-7

CFR Citation: 24 CFR 241; 24 CFR 242

Legal Deadline: None.

Abstract: This rule includes RIN 2502-AC61, Mortgage Insurance Requirements for Private and Public Hospitals (H-69-84; FR-1992) and RIN 2502-AC64, Maximum Mortgage Amounts for Hospitals (H-72-84; FR-2004). In addition, this rule would (1) provide more detail concerning the factors HHS considers in determining the feasibility of a hospital proposal; (2) establish as a condition of eligibility for insurance that a hospital have a projected need for public support that is less than 10 percent of its projects operating income; (3) require a minimum cash investment equal to 10 percent of the estimated cost of construction or rehabilitation; and (4) make several other miscellaneous revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1201
Final Action	08/00/87	

Small Entity: No

Agency Contact: James L. Hamernick, Director, Office of Insured Multifamily Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD70

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965. TECHNICAL REVISIONS - COINSURANCE FOR THE PURCHASE OR REFINANCING OF MULTIFAMILY HOUSING PROJECTS (H-35-86; FR-2267)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 255

Legal Deadline: None.

Abstract: The rule makes technical corrections in the text of 24 CFR Part 255. No substantive changes are involved.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: James Hamernick, Director, Office of Insured Multifamily Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD73

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966. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-16; 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713; 12 USC 1715b

CFR Citation: 24 CFR 290; 24 CFR 886

Legal Deadline: None.

Abstract: Would conform current regulation more closely to Section 203 of the Housing and Community Development Act of 1978, as amended; decrease reliance on project-based Section 8 subsidies as a means of maintaining availability of units for low- and moderate-income persons. (Changes included in the proposed rule that would conform the rental structure in HUD-owned properties to statutory housing programs are being implemented by separate final rule.)

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40888
NPRM Comment Period End	12/17/84	49 FR 40888
Final Action	07/00/87	

Small Entity: No

Agency Contact: Marc Harris, Multifamily Property Disposition Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 755-9280

RIN: 2502-AC68

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967. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 850

Legal Deadline: None.

Abstract: Implements the Housing Development Grant Program established by Section 301 of the Housing and Urban-Rural Recovery Act of 1983. Under this Program, the Secretary is authorized to make grants to cities and urban counties and to States acting on behalf of units of general local government to support new construction or substantial rehabilitation of residential rental housing. At least 20 percent of the units in a project assisted under this Program must be leased to, or made available for occupancy by, lower income families for a period of 20 years. The rent for these units cannot exceed 30 percent of the adjusted income of a family at 50 percent of area median income. Assisted projects must be located within eligible areas, special purpose areas or neighborhood preservation areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/84	49 FR 24634
Interim Rule effective	08/07/84	49 FR 24634
Final Action	00/00/00	

Small Entity: No

Agency Contact: Jessica Franklin, Director, Department of Housing and Urban Development, Office of Housing, Development Grant Division, 202 755-6142

RIN: 2502-AC23

968. SHARED HOUSING IN THE SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION PROGRAMS (H-27-86; FR-2239)

Legal Authority: 42 USC 1437f; 42 USC 3535d

CFR Citation: 24 CFR 880; 24 CFR 881

Legal Deadline: None.

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 New Construction and Substantial Rehabilitation projects. A proposed rule that included these types of projects was published in 1984. A final rule was published for one of the programs covered by the proposed rule, the Section 8 Certificate program, on June 11, 1986 (51 FR 21300).

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005

Next Action Undetermined

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AD67

969. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS PORTABILITY OF SECTION 8 EXISTING HOUSING CERTIFICATES (H-46-83; FR-1800)

Legal Authority: 42 USC 1437f; PL 98-181, Sec 207

CFR Citation: 24 CFR 882.101; 24 CFR 882.102; 24 CFR 882.110; 24 CFR 882.116; 24 CFR 882.118; 24 CFR 882.119; 24 CFR 882.209; 24 CFR 882.210; 24 CFR 882.216; 24 CFR 882.218

Legal Deadline: None.

Abstract: This rule provides for a system of permitting national mobility of certificate holders and participants in the Section 8 Existing Housing Certificate Program. This would enable families to move from the jurisdiction of one PHA to another and would enhance voluntary PHA mobility mechanisms already in place.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41072
NPRM Comment Period End	12/18/84	49 FR 41072
Final Action	00/00/00	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, 202 755-6887

RIN: 2502-AB88

970. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(p); 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None.

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 Moderate Rehabilitation units, in accordance with the statutory directive in 42 USC 1437f(p). A proposed rule that included this program was published in 1984. A final rule was published for one of the programs covered by the proposed rule, the Section 8 Certificate program, on June 11, 1986 (51 FR 21300). No effective date has been published yet for that rule, but the Department expects to be ready to implement it by June 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005

Next Action Undetermined

Small Entity: No

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD66

971. SECTION 202 - LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED (H-10-84; FR-1899)

Significance: Agency Priority

Legal Authority: PL 98-479, Sec 102; PL 98-181, Sec 223

CFR Citation: 24 CFR 885

Legal Deadline: None.

Abstract: This rule establishes requirements on prepayment of Section 202 direct loan mortgages and incorporate amendments to programs made by the Housing and Urban-Rural Recovery Act of 1983 and the Technical Amendments Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/86	51 FR 12308
Final Action	07/00/87	

Small Entity: No

Additional Information: Includes: FR-1857

Agency Contact: Robert W. Wilden, Director, Assisted Elderly and Handicapped, Department of Housing and Urban Development, Office of Housing, Housing Division, 202 426-8730

RIN: 2502-AC53

972. ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-89-78)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 886

Legal Deadline: None.

Abstract: Amended 24 CFR 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of

HUD—OH

Final Rule Stage

Multifamily Housing Management, 202 426-3944

RIN: 2502-AA41

973. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - HOUSING VOUCHERS (H-42-85; FR-2170)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 887

Legal Deadline: None.

Abstract: The Department has proposed legislation to make the Housing Voucher Demonstration Program a permanent housing assistance payment program, and currently is developing a final rule based on the Housing Voucher Notices of Funding Availability for Fiscal Years 1984, 1985, and 1986. The rule will enhance the administration of the Housing Voucher Program. If approved as a permanent program, Housing Vouchers would become the principal vehicle for future funding of housing assistance payments under Section 8 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Gerald Benoit, Director, Housing Voucher Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6477

RIN: 2502-AD26

974. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - GENERAL (H-33-86; FR-2276)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This action will make final portions of the Manufactured Home Construction and Safety Standards on which changes were proposed in 48 FR 37136, August 16, 1983.

Timetable:

Action	Date	FR Cite
Final Action	08/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Reg Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD58

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Completed Actions

975. DISCLOSURE OF FINANCIAL INFORMATION TO MORTGAGE PURCHASERS (H-78-84; FR-2014)

Significance: Agency Priority

CFR Citation: 24 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	12/09/86	51 FR 44284
Final Action Effective	03/02/87	52 FR 3795

Small Entity: Undetermined

Agency Contact: Marvin Hillman 202 755-7343

RIN: 2502-AC65

976. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE AND GRANT PROGRAM (CPD-74-84; FR-2007)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Completed:

Reason	Date	FR Cite
Withdrawn Assigned a new RIN number: RIN: 2501-AA59	02/11/87	

Small Entity: No

Agency Contact: Walter Prybyla 202 755-6611

RIN: 2502-AC76

977. APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

CFR Citation: 24 CFR 200; 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	12/17/86	

Small Entity: Undetermined

Agency Contact: Morris E. Carter 202 755-6720

RIN: 2502-AB24

978. USE OF MATERIALS BULLETIN NO. 48A - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR PRESSURE TREATED LUMBER AND PLYWOOD (H-17-85)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated into FR-2308 (RIN: 2502-AE04).	02/24/87	

Small Entity: No

Agency Contact: Donald R. Fairman 202 755-5718

RIN: 2502-AC98

979. USE OF MATERIALS BULLETIN NO. 71 - POLYSTYRENE FOAM BOARD (H-20-85)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated into FR-2308 (RIN: 2502-AE04).	02/24/87	

Small Entity: Undetermined

Agency Contact: Donald Fairman 202 755-5718

RIN: 2502-AD00

980. USE OF MATERIALS BULLETIN NO. 88 - MAT FORMED PARTICLEBOARD (H-22-85)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn See RIN: 2502-AD92	02/24/87	

Small Entity: No

Agency Contact: Donald Fairman 202 755-5718

RIN: 2502-AD02

981. ELIGIBILITY OF MORTGAGES INVOLVING A DWELLING UNIT IN A COOPERATIVE HOUSING DEVELOPMENT (H-93-82; FR-1742)

CFR Citation: 24 CFR 203.43c; 24 CFR 203.437

Completed:

Reason	Date	FR Cite
Withdrawn	02/17/87	

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AA61

982. VETERAN QUALIFICATIONS—ELIGIBILITY REQUIREMENTS FOR MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS (H-47-83; FR-1801)

CFR Citation: 24 CFR 203.18

Completed:

Reason	Date	FR Cite
Final Action	02/25/87	52 FR 5533
Final Action Effective	03/26/87	52 FR 5533

Small Entity: No

Agency Contact: Morris E. Carter 202 755-6924

RIN: 2502-AB89

983. SINGLE FAMILY MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS (H-39-84; FR-1928)

Significance: Agency Priority

CFR Citation: 24 CFR 203, et al

Completed:

Reason	Date	FR Cite
Final Action	03/16/87	52 FR 8064

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AC36

984. PAYMENT OF SINGLE FAMILY MORTGAGE INSURANCE WITHOUT CONVEYANCE OF TITLE (H-38-84; FR-1927)

Significance: Regulatory Program

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 204; 24 CFR 220; 24 CFR 228

Completed:

Reason	Date	FR Cite
Final Action	01/13/87	52 FR 1320
Final Action Effective	04/01/87	52 FR 3606

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AC37

985. FHA MORTGAGE INSURANCE ON INDIAN LAND WHERE THE TRIBE IS THE MORTGAGOR (H-8-85; FR-2059)

Significance: Agency Priority

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	01/30/87	

Small Entity: No

Agency Contact: John J. Coonts 202 755-6924

RIN: 2502-AC81

986. ELIMINATE PAYMENT OF A REFUND OR DISTRIBUTIVE SHARE PAYMENT FOR MIP TERMINATION DUE TO NONCONVEYANCE ELECTION OF THE MORTGAGEE (H-16-86; FR-2214)

CFR Citation: 24 CFR 0203.283; 24 CFR 0203.423

Completed:

Reason	Date	FR Cite
Final Action	12/09/86	51 FR 44286
Final Action Effective	03/02/87	52 FR 3795

Small Entity: Yes

Agency Contact: Richard Buchheit 202 755-6672

RIN: 2502-AD51

987. ELIGIBILITY REQUIREMENTS FOR MORTGAGEE APPROVAL BY HUD (H-30-86; FR-2252)

CFR Citation: 24 CFR 203.1-9

Completed:

Reason	Date	FR Cite
Final Action	02/05/87	52 FR 3606
Final Action Effective	03/17/87	52 FR 3606

Small Entity: No

Agency Contact: Andrew Zirneklis 202 755-6924

RIN: 2502-AD72

988. ●DEREGULATION OF LOAN ORIGINATION FEES (H-14-87)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/87	

Small Entity: Undetermined

Agency Contact: Morris E. Carter 202 755-6720

RIN: 2502-AD96

989. SINGLE FAMILY COINSURANCE PROGRAM REVISIONS (H-28-80; FR-1094)

CFR Citation: 24 CFR 204

Completed:

Reason	Date	FR Cite
Withdrawn	10/06/86	

Small Entity: No

Agency Contact: Alan J. Kappeler 202 755-3046

RIN: 2502-AB01

990. COOPERATIVE HOUSING MORTGAGE INSURANCE SUBORDINATED SECRETARY-HELD MORTGAGES (H-33-83; FR-1756)

Significance: Agency Priority

CFR Citation: 24 CFR 207; 24 CFR 213

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/87	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy 202 755-6223

RIN: 2502-AB97

991. CHANGE IN DEFAULT NOTICE REPORTING PERIOD - MULTIFAMILY INSURANCE (H-4-84; FR-1842)

CFR Citation: 24 CFR 207

Completed:

Reason	Date	FR Cite
Withdrawn	10/08/86	

Small Entity: No

Agency Contact: James Tahash 202 426-3944

RIN: 2502-AC18

992. AMENDMENTS TO THE SECTION 235 PROGRAM (H-3-85; FR-2037)

CFR Citation: 24 CFR 235

Completed:

Reason	Date	FR Cite
Withdrawn	03/02/87	

Small Entity: No

Agency Contact: John Coonts 202 755-6720

RIN: 2502-AC93

993. MANDATORY MEALS PROGRAMS IN HUD-ASSISTED HOUSING PROJECTS (H-43-85; FR-2179)

Significance: Regulatory Program

CFR Citation: 24 CFR 278

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 6300
Final Action Effective	04/01/87	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AD27

994. TO EXEMPT LOANS ALREADY COINSURED FROM THE ONE-FOURTH LIMITATION ON COINSURANCE OF PORTFOLIO LOANS (H-2-86; FR-2155)

CFR Citation: 24 CFR 0251.207; 24 CFR 0255.207

Completed:

Reason	Date	FR Cite
Withdrawn	10/07/86	

Small Entity: No

Agency Contact: James Hamernick 202 755-6500

RIN: 2502-AD49

995. HUD-OWNED MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION - RENT SETTING PROVISIONS (H-41-85; FR-2142)

Significance: Agency Priority

CFR Citation: 24 CFR 290.17

Completed:

Reason	Date	FR Cite
Withdrawn	10/06/86	

Small Entity: No

Agency Contact: Marc Harris 202 755-9280

RIN: 2502-AD33

996. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - MODERATE REHABILITATION (H-38-81; FR-1527)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Withdrawn	01/30/87	

Small Entity: No

Agency Contact: Louise Kleffner 202 755-6887

RIN: 2502-AA86

997. TARGETING OF SECTION 8 CERTIFICATES OF FAMILY PARTICIPATION (H-22-83; FR-1736)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Withdrawn Merged into FR-2294	02/11/87	

Small Entity: No

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502-AB47

998. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-PUBLIC HOUSING AGENCY ADMINISTRATIVE FEES (H-12-86; FR-2207)

Significance: Regulatory Program

CFR Citation: 24 CFR 882; 24 CFR 887

Completed:

Reason	Date	FR Cite
Withdrawn	12/03/86	

Small Entity: Undetermined

Agency Contact: Madeline Hasting 202 755-6887

RIN: 2502-AD42

999. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - REQUESTING EXCEPTION RENTS TO THE FAIR MARKET RENTS (H-14-86; FR-2213)

Significance: Regulatory Program

CFR Citation: 24 CFR 882; 24 CFR 888

Completed:

Reason	Date	FR Cite
Withdrawn	01/29/87	

Small Entity: Undetermined

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502-AD44

1000. ●SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM--EXISTING HOUSING CERTIFICATE PROGRAM (H-L5-87)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/87	

HUD—OH

Completed Actions

Small Entity: Undetermined

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502-AE01

1001. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - STANDARDS REVISION (H-30-85; FR-2137)

Significance: Agency Priority

CFR Citation: 24 CFR 3280.3

Completed:

Reason	Date	FR Cite
Final Action	02/12/87	52 FR 4574
Final Action Effective	08/11/87	52 FR 4574

Small Entity: No

Agency Contact: Mark W. Holman 202 755-6584

RIN: 2502-AD10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of Community Planning and Development (CPD)

1002. DESIGNATION OF ENTERPRISE ZONES (CPD-11-83; FR-1913)

Significance: Agency Priority

Legal Authority: Rule will follow adoption of Enterprise Zone Legislation.

CFR Citation: 24 CFR 0596

Legal Deadline: None.

Abstract: Provides procedures for nomination of geographic areas by States and Local governments for designation as an enterprise zone by Secretary of HUD. Program intended to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote re-evaluation of distressed areas through tax incentives and actions to reduce regulatory requirements to encourage free enterprise by the private sector within the zones.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Michael T. Savage, Program Advisor, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6300

RIN: 2506-AA45

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Community Planning and Development (CPD)

1003. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None.

Abstract: This revision would implement 1983 amendments. The rule includes definitions of low and moderate income persons, requirements for meeting the three national objectives, the 51% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, 202 755-6322

RIN: 2506-AA38

1004. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None.

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-1871

RIN: 2506-AA66

1005. AMENDMENTS TO COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS; ENTITLEMENT PROGRAM (CPD-4-86)

Legal Authority: Yet to be determined

CFR Citation: 24 CFR 0570

Legal Deadline: None.

Abstract: This rule would modify the Entitlement Program rules as necessary to implement changes to the authorization statute which have been

proposed for consideration by the Congress.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Local

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-9267

RIN: 2506-AA68

1006. COMMUNITY DEVELOPMENT BLOCK GRANTS, URBAN DEVELOPMENT ACTION GRANTS (CPD-9-86)

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: 24 CFR 570.450 to 465

Legal Deadline: None.

Abstract: This rule would implement a legislative revision of the UDAG selection system formula and criteria, and would incorporate technical changes listed in previous semiannual agendas. (The rule depends on law revisions not yet adopted by the Congress.)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Includes: CPD-14-83 (RIN: 2506-AA40)

Affected Sectors: All

Government Levels Affected: Local, Federal

Agency Contact: Michael McMahon, Dir., Policy/Support Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6227

RIN: 2506-AA72

1007. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: REVISION TO CORRECTIVE AND REMEDIAL ACTION (CPD-13-84; FR-2102)

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 571.702 (b); 24 CFR 571.302(a)

Legal Deadline: None.

Abstract: This rule would amend the corrective and remedial actions available against grant recipients who fail to perform properly. One of the actions to be taken is to require recipients to reimburse their program account Letter of Credit in any amounts improperly expended. This amendment would allow the recipient to make such reimbursement through an in-kind contribution if sufficient cash is not available. In addition, it would allow alternative, non-cash transfer remedies to prevent a recurrence of the previous problems.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506-AA58

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage

Office of Community Planning and Development (CPD)

1008. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None.

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	06/00/87	

Small Entity: No

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA55

1009. TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

Legal Authority: 42 USC 5307; PL 98-181, Sec 107

CFR Citation: 24 CFR 570

Legal Deadline: None.

Abstract: Would amend 24 CFR 570.402 to update and clarify priorities for Technical Assistance funding and to clarify application and review procedures for awards.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

HUD—CPD

Final Rule Stage

Agency Contact: Jerome Friedman, Director, Policy Development Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, 202 755-8909

RIN: 2506-AA30

1010. COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS (CPD-6-84; FR-1895)

Significance: Regulatory Program

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None.

Abstract: As a result of the 1983 and 1984 amendments to the Housing and Community Development Act of 1974 as amended, this proposed rule would set forth new requirements governing the administration of Community Development Block Grant funds under Subpart A (General Provisions), C (Eligible Activities), D (Entitlement Grants), F (Small Cities Programs), K (Other Applicable Laws), M (Loan Guarantees), J (Grant Administration), and O (Program Management).

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43852
NPRM Comment Period End	12/31/84	49 FR 43852
Final Action	00/00/00	

Small Entity: No

Additional Information: Includes: FR-1825, FR-1852, FR-1854; FR-1572

Government Levels Affected: Local, Federal

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, Entitlement Cities Division, 202 755-9267

RIN: 2506-AA47

1011. ● EMERGENCY SHELTER GRANT PROGRAM (CPD-1-87; FR-2298)

Significance: Regulatory Program

Legal Authority: PL 99-500, Sec 101(g)

CFR Citation: 24 CFR 575

Legal Deadline: Statutory, October 8, 1987. Final rule must be published within one year of date of enactment

Abstract: This rule implements the Emergency Shelter Grant Program enacted in Part C of the Homeless Housing Act of 1986. Under this program HUD initially provides grants to States, metropolitan cities and urban counties and may also provide grants to units of general local government and private nonprofit organizations. These grants are to be used to assist the homeless through (1) renovation, major rehabilitation or conversion of buildings to be used as emergency shelters; (2) provision of essential services; and (3) payment of specified cots related to operating emergency shelters.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45278
Final Action	07/00/87	

Small Entity: No

Agency Contact: James Broughman, Director, Entitlement Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506-AA74

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of Community Planning and Development (CPD)

1012. SECTION 312 REHABILITATION LOAN PROGRAM AND COMMUNITY DEVELOPMENT ACTION RELOCATION REQUIREMENTS (CPD-4-85; FR-2151)

CFR Citation: 24 CFR 510; 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	02/05/87	52 FR 3612
Final Action Effective	03/17/87	

Small Entity: Undetermined

Agency Contact: Melvin Geffner 202 755-6336

RIN: 2506-AA65

1013. REMOVAL OF AUTHORITY OF FEDERAL FINANCING BANK TO PURCHASE SECTION 108 GUARANTEED OBLIGATIONS (CPD-5-86; FR-2245)

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 6140
Final Action Effective	04/01/87	

Small Entity: Undetermined

Agency Contact: Donald I. Patch 202 755-6587

RIN: 2506-AA69

1014. COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES - SELECTION PROCESS (CPD-11-84; FR-2000)

CFR Citation: 24 CFR 571

Completed:

Reason	Date	FR Cite
Final Action	02/18/87	52 FR 4897
Final Action Effective	03/19/87	52 FR 4897

Small Entity: No

Agency Contact: Leroy Gonnella 202 755-6092

RIN: 2506-AA33

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Proposed Rule Stage

1015. BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: The regulation will provide for utilization of a book-entry system to govern the issuance and custody of GNMA securities. The system allows for maintenance of records by an Agent Bank and utilization of wire transfers. Further, the book-entry system will curtail loss, theft and repeated pledging of GNMA securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Government National Mortgage Association, Office of Insured Housing and Finance, 202 755-7260

RIN: 2503-AA03

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Final Rule Stage

1016. MORTGAGE-BACKED SECURITIES - REVISION TO DATE FOR FIRST MONTHLY PAYMENT TO PRINCIPAL AND INTEREST (GNMA-1-85; FR-2135)

Legal Authority: 12 USC 1719

CFR Citation: 24 CFR 390

Legal Deadline: None.

Abstract: This rule make a technical change in 24 CFR 390 to accommodate the new automated system for handling the issuance of commitments to guarantee mortgage-backed securities. The current rule requires that mortgage in a pool of mortgages backing the issuance of guaranteed securities have a date for the first scheduled monthly payment of principal and interest, or date of purchase from an Association that is no more than twelve months before the date of issuance of the GNMA commitment. This rule revises this requirement to provide that the date for the first scheduled monthly payment of principal and interest could be no more than 24 months before the issue date of the securities. Notice of effective date for the final rule will be published when automated system is operational.

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	51 FR 9845
Final Action	05/00/87	

Small Entity: No

Additional Information: Notice of Effective Date 00/00/87

Agency Contact: Richard W. Dyas, Vice Pres., Office of Mortgage-Backed Secur., Department of Housing and Urban Development, Government National Mortgage Association, 202 755-8772

RIN: 2503-AA04

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Prerule Stage

1017. AFFIRMATIVE FAIR HOUSING, MARKETING TECHNICAL AMENDMENTS (FH&EO-2-83; FR-1670)

Legal Authority: 42 USC 3601; 42 USC 3535(d); EO 11063

CFR Citation: 24 CFR 100; 24 CFR 108; 24 CFR 200

Legal Deadline: None.

Abstract: The rule would clarify when the certificate of intent not to market housing is to be submitted, and that the notice of intent to begin marketing is part of an owner's responsibility under the Affirmative Fair Housing Marketing Plan. Rule would also require that owners of FHA-insured, unsubsidized projects annually submit data on the race, ethnicity and gender of heads of households.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Peter Kaplan, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Program Standards and Evaluation, 202 755-7727

RIN: 2529-AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

1018. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None.

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA28

1019. AUDIT REQUIREMENTS FOR THE FAIR HOUSING ASSISTANCE PROGRAM AND THE COMMUNITY HOUSING RESOURCE BOARDS (FH&EO-1-86; FR-2140)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 111; 24 CFR 120

Legal Deadline: None.

Abstract: Although OMB Circulars A-102 and A-87 are applicable, by their language, to grant recipients under the Federal Housing Assistance Program, and although OMB Circulars A-110 and A-122 are applicable to grant recipients under the Community Housing Resource Board Program, the regulations governing these programs do not mention the applicability of the respective OMB Circulars. HUD therefore is proposing to amend the regulations for these two programs to specify the applicability of the respective OMB Circulars to grant recipients under these programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Previously listed as 2535-AA11.

Agency Contact: Charles M. Farbstein, Asst. General Counsel for Equal Opportunity, Office of Equal Opportunity & Admin. Law, Department of Housing and Urban Development, Office of the General Counsel, 202 755-5570

RIN: 2529-AA30

1020. ● FAIR HOUSING ASSISTANCE PROGRAM; PROGRAM DESCRIPTION AND ELIGIBILITY CRITERIA (FHEO-2-87)

Legal Authority: 42 USC 3601; 42 USC 3535(d)

CFR Citation: 24 CFR 111

Legal Deadline: None.

Abstract: The current program description and eligibility criteria are too restrictive to permit the flexibility needed by the Assistant Secretary to implement improvements in the program based upon experience. Proposed revisions would make the descriptions more general to give the Assistant Secretary more funding options in methods of distributing the noncompetitive and competitive funding.

Timetable:

Action	Date	FR C,te
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Thomas J. Jankowski, Dir., Ofc of Hsg Enforcement & Sec. 3 Compl., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6636

RIN: 2529-AA32

1021. ● RECOGNITION OF JURISDICTION WITH SUBSTANTIALLY FAIR HOUSING LAWS (FHEO-1-87)

Legal Authority: 42 USC 3610; 42 USC 3535(d)

CFR Citation: 24 CFR 115

Legal Deadline: None.

Abstract: Some of the Sections in this Regulation need to be changed to add definitions, set out specific issues and examples that qualify as acceptable/unacceptable under the rule; and clarify time frames. The proposed revisions will make application and recognition procedures easier for the Department relative to implementation. Agencies presently recognized will not be affected. However, agencies in the interim recognition stage may be affected.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
NPRM Comment Period End	12/01/87	

Small Entity: Undetermined

Agency Contact: Thomas J. Jankowski, Dir., Ofc of Hsg Enforcement & Sec. 3 Compl., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6636

RIN: 2529-AA31

1022. AMENDMENTS OF THE COMMUNITY HOUSING RESOURCE BOARD REGULATIONS (FH&EO-1-85; FR-2085)

Legal Authority: 42 USC 3601 to 3619

CFR Citation: 24 CFR 120

Legal Deadline: None.

Abstract: This proposed rule would amend the current rule for the Community Housing Resources Board at 24 CFR Part 120. This rule would establish further program features, including provisions for grant administration and accountability monitoring.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Includes FR-1407 (RIN-2529-AA06)

Agency Contact: Nathaniel K. Smith, Director, Housing and Community Development Div., Office of Voluntary Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-5992

RIN: 2529-AA27

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Fair Housing and Equal Opportunity (FHEO)

1023. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES (FH&EO-4-84; FR-770)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 8

Legal Deadline: None.

Abstract: Would add a new 24 CFR 8 Part to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information:

Proposed rule published 04/19/78 43 FR 16652

Interim rule published 05/06/83 48 FR 20638

Republished 05/18/83 48 FR 22470

Effective date revoked 06/15/83 48 FR 27528

(Interim rule was thereafter treated as a proposed rule.)

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA26

1024. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 804 OF THE FAIR HOUSING ACT (FH&EO-6-84; FR 2012)

Significance: Regulatory Program

Legal Authority: 42 USC 3601 to 3619; 42 USC 3535(d)

CFR Citation: 24 CFR 105

Legal Deadline: None.

Abstract: This rule would amend 24 CFR Part 105, which governs the processing of complaints under section 810 of the Fair Housing Act. The rule would reorganize Part 105 and would add more specific descriptions of the procedures used to investigate fair housing complaints, to make a determination to resolve matters raised in complaints, and to try to eliminate and correct alleged discriminatory housing practices.

Timetable:

Action	Date	FR Cite
NPRM	10/16/84	49 FR 40528
NPRM Comment Period End	12/17/84	49 FR 40528
Final Action	05/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Charles M. Farbstein, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Equal Opportunity, 202 755-5570

RIN: 2529-AA24

1025. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM HUD (FH & EO-1-79; FR-1161)

Legal Authority: 42 USC 6101

CFR Citation: 24 CFR 146

Legal Deadline: None.

Abstract: This part sets forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

Timetable:

Action	Date	FR Cite
Final Action	12/17/86	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: Myra B. Kennedy, Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, 202 755-5904

RIN: 2529-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of Fair Housing and Equal Opportunity (FHEO)

1026. FAIR HOUSING-PROPERTY INSURANCE ACTIVITIES (FH&EO-10-78)

CFR Citation: 24 CFR 114

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/87	

Small Entity: No

Agency Contact: Katrina Ross 202 755-5673

RIN: 2529-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of Administration (OA)

1027. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None.

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

HUD—OA **Prerule Stage**

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Peggy A. Grant, Acting Dir., Mortgage Insurance Accnt.&Serv., Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-5645

RIN: 2535–AA01

1028. OMB CIRCULAR A-102, UNIFORM REQUIREMENT FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (ADM-1-86, FR-2178)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0045

Legal Deadline: None.

Abstract: In tandem with the government-wide rule to be issued by OMB, this rule would promulgate standards for the administration of grants to State and local governments and to federally recognized Indian tribal government.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Director, Policy & Evaluation Division, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535–AA13

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage
Office of Administration (OA)

1029. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

Legal Authority: 42 USC 3535(d); 42 USC 6962

CFR Citation: 24 CFR 570; 24 CFR 207

Legal Deadline: None.

Abstract: Rule will provide restrictions on Federal procurement of cement and concrete containing fly ash. Will be patterned on Environmental Protection Agency guidelines.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, Office of Procurement And Contracts, 202 755-5294

RIN: 2535–AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of Administration (OA)

1030. AMENDMENT OF THE HUD ACQUISITION REGULATIONS (ADM-5-85; FR-2131)

Legal Authority: 40 USC 486(c); 42 USC 3535(d)

CFR Citation: 48 CFR Chap. 24

Legal Deadline: None.

Abstract: The rule would add Part 2452, Solicitation Provisions and Contract Clauses and Part 2453, Forms. When the original HUDAR was published in March, 1984, solicitation provisions and contract clauses were incorrectly placed, and no HUD forms were included at all.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535–AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Office of Administration (OA)

1031. HUD ACQUISITION REGULATION (ADM-2-84; FR-2098)

CFR Citation: 48 CFR 24

Completed:

Reason	Date	FR Cite
Final Action	11/06/86	51 FR 40331
Final Action Effective	03/02/87	52 FR 3663

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Jr. 202 755-5294

RIN: 2535–AA06

1032. OMB CIRCULARS REGARDING GRANT MANAGEMENT AND COST PRINCIPLES (ADM-1-85; FR-2044)

CFR Citation: 24 CFR 44

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/87	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi 202 755-5294

RIN: 2535–AA08

HUD—OA

Completed Actions

1033. DISCRETIONARY GRANT AND COOPERATIVE AGREEMENT POLICIES AND PROCEDURES (ADM-5-86; FR-2107)

CFR Citation: 24 CFR 65

Completed:

Reason	Date	FR Cite
Withdrawn Changed to a Statement of Policy	01/16/87	

Small Entity: No

Agency Contact: Gladys G. Gines 202 755-5294

RIN: 2535-AA14

1034. AUDIT REQUIREMENTS FOR THE FAIR HOUSING ASSISTANCE PROGRAM AND THE COMMUNITY HOUSING RESOURCE BOARDS (FH&EO-1-86; FR-2140)

CFR Citation: 24 CFR 111; 24 CFR 120

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/87	

Small Entity: No

Agency Contact: Charles M. Farbstein 202 755-5570

RIN: 2535-AA11

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Public and Indian Housing (PIH)

1035. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2138)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 904

Legal Deadline: None.

Abstract: This would make miscellaneous amendments to the existing Turnkey III program regulations to facilitate program administration and to allow flexibility to address specific local problems. The amendments will clarify appropriate procedures to use when existing occupants are eligible to become homebuyers to facilitate the actual sales of the units.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, 202 755-6713

RIN: 2577-AA34

1036. INDIAN HOUSING PROGRAM—REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Legal Authority: 25 USC 450e(b)

CFR Citation: 24 CFR 905

Legal Deadline: None.

Abstract: This rule will constitute a consolidation of relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as these affect the Indian housing programs. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory package governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: John V. Meyers, Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-1015

RIN: 2577-AA32

1037. PREEMPTION OF CERTAIN STATE-DETERMINED PREVAILING WAGE RATES APPLICABLE TO PUBLIC AND INDIAN HOUSING PROJECTS (P-6-86; FR-2231)

Legal Authority: 42 USC 1437]

CFR Citation: 24 CFR 905.211

Legal Deadline: None.

Abstract: This rule would make State-determined prevailing wage rates inapplicable to Public and Indian Housing projects if these wage rates exceed by ten percent the applicable federally-determined prevailing wage rates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Nancy S. Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA42

1038. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None.

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and that is within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

HUD—PIH

Proposed Rule Stage

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577-AA07

1039. PUBLIC AND INDIAN HOUSING - APPLICATION PROCESSING PROCEDURES (P-10-86; FR-1946)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 941

Legal Deadline: None.

Abstract: Part 941 contains the procedures for the development of public housing. This proposed rule would amend these application procedures to reflect the requirements of Section 201(c) of the Housing and Urban-Rural Recovery Act of 1983. This section amended Section 6 of the United States Housing Act of 1937 by adding new subsections 6(h), (i) and (j).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Ray Hamilton, Director, Development Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0938

RIN: 2577-AA44

1040. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None.

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This proposed rule would amend Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be treated under the allowance and surcharge provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6640

RIN: 2577-AA40

1041. PUBLIC AND INDIAN HOUSING COST CONTAINMENT PROCEDURES - COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AND INDIAN HOUSING (P-9-86; FR-2262)

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 905

Legal Deadline: None.

Abstract: This proposed rule would amend the Comprehensive Improvement Assistance Program and the Indian Housing Program regulations to reflect the repeal of Section 6(b) of the United States Housing Act. Section 6(b) limits dwelling construction and equipment costs for various areas of the country. This proposed rule will also amend the regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/11/87	52 FR 4349
NPRM Comment Period End	04/13/87	52 FR 4349

Small Entity: No

Additional Information: This proposed rule was split off from FR-2191.

Government Levels Affected: Local

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA43

1042. DISALLOWANCE OF LEGAL EXPENSES FOR SUITS AGAINST HUD (P-2-85; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None.

Abstract: This proposed rule will declare HUD policy regarding PHA legal expenses for litigation against HUD.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA33

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Public and Indian Housing (PIH)

1043. PUBLIC AND INDIAN HOUSING - COST CONTAINMENT PROCEDURES (P-1-86; FR-2191)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 941; 24 CFR 905

Legal Deadline: None.

Abstract: This proposed rule will amend Public housing development regulations to reflect the repeal of Sec. 6(b) of the United States Housing Act. Sec. 6(b) limits on dwelling construction and equipment cost for the different areas of the country. The proposed rule will also amend these regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/24/86	51 FR 33904
Final Action	06/00/87	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development,

HUD—PIH

Final Rule Stage

Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA37

1044. REVISED OCCUPANCY POLICIES IN PUBLIC AND INDIAN HOUSING (P-7-86; FR-2240)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 913; 24 CFR 960; 24 CFR 912

Legal Deadline: None.

Abstract: This final rule is based on a proposed rule entitled "Shared Housing and Revised Occupancy Policies" for certain Section 8 programs as well as for public housing. That proposed rule was published on December 7, 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005
Final Action	05/00/87	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA41

1045. PUBLIC HOUSING -- TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Regulatory Program

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None.

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26504
NPRM Comment Period End	09/22/86	
Final Action	05/31/87	

Small Entity: No

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577-AA18

1046. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None.

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from mastermetered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785

Next Action Undetermined

Small Entity: No

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6649

RIN: 2577-AA27

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Completed Actions

1047. INDIAN PREFERENCES (P-51-83; FR-1808)

Significance: Regulatory Program

CFR Citation: 24 CFR 905

Completed:

Reason	Date	FR Cite
Final Action	12/04/86	51 FR 43734
Final Action Effective	03/15/87	51 FR 43734

Small Entity: No

Agency Contact: John V. Meyers 202 755-1015

RIN: 2577-AA26

1048. TENANT PARTICIPATION IN MANAGEMENT OF PUBLIC AND INDIAN HOUSING PROJECTS (P-1-85; FR-2033)

Significance: Regulatory Program

CFR Citation: 24 CFR 964; 24 CFR 968

Completed:

Reason	Date	FR Cite
Final Action	12/08/86	51 FR 44055
Final Action Effective	03/02/87	52 FR 3795

Small Entity: No

Agency Contact: Janice D. Rattley 202 755-1800

RIN: 2577-AA30

1049. PERFORMANCE FUNDING SYSTEM - ELIMINATION OF INFLATION FACTOR FOR FISCAL YEAR 1987 (P-3-86; FR-2210)

CFR Citation: 24 CFR 990.105

Completed:

Reason	Date	FR Cite
Withdrawn Closed - unnecessary because full funding received for FY 1987.	01/30/87	

Small Entity: No

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA36

[FR Doc. 87-6608 Filed 04-24-87; 8:45 am]

BILLING CODE 4210-01-T

federal register

Monday
April 27, 1987

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II, IV and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1987. An agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Information Resources Management, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review.

Simultaneously the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1987 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government, which is published by the Office of Management and Budget.

DATED: March 2, 1987.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary of the Interior.

Assistant Secretary for Policy, Budget, and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1050	Department of the Interior - Nonprocurement Debarment and Suspension Regulation	1090-AA12
1051	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	1090-AA11
1052	Department of the Interior Acquisition Regulation (FAR)	1090-AA10
1053	Department of the Interior Acquisition Regulation	1090-AA14
1054	Department of the Interior Acquisition Regulation	1090-AA13

Assistant Secretary for Policy, Budget, and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1055	Natural Resource Damage Assessment - Type A Procedures	1090-AA07
1056	Department of the Interior Acquisition Regulation	1090-AA08

Office of the Solicitor—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1057	Practices Before the Department	1092-AA00
1058	Records and Testimony	1092-AA02
1059	Trans-Alaska Pipeline Liability Fund	1092-AA03

DOI

Office for Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1060	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1091-AA00
1061	Enforcement of Nondiscrimination on the Basis of Handicap in Department of the Interior Programs	1091-AA01

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1062	Department Hearings and Appeals Procedures	1094-AA26
1063	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA31
1064	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA10
1065	Tribal Acquisition of Interests Under Special Statute	1094-AA08
1066	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA25
1067	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA30

Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1068	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA01
1069	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA28
1070	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA29
1071	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA15

Office of Hearings and Appeals—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1072	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA11
1073	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA16
1074	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA17
1075	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA13
1076	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA20

United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1077	Migratory Bird Hunting	1018-AA24
1078	Subsistence Take of Migratory Birds in Alaska	1018-AB03

DOI

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1079	Injurious Wildlife - Mitten Crabs	1018-AB04
1080	Endangered and Threatened Wildlife and Plants	1018-AA10
1081	Incidental Taking of Marine Mammals by Commercial Fishing Operations	1018-AA96
1082	Marine Mammal Protection Act and Endangered Species Act Revisions	1018-AB05
1083	General Permit Procedures and Migratory Bird Permits: Raptor Propagation and Falconry Regulations	1018-AB01
1084	Public Entry and Use	1018-AA36
1085	Hunting	1018-AA71

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1086	Humane Transport of Wild Animals and Birds	1018-AA07
1087	Importation, Exportation, and Transportation of Wildlife	1018-AA79
1088	Endangered and Threatened Wildlife and Plants	1018-AA84
1089	Endangered and Threatened Wildlife and Plants	1018-AA85
1090	Southern Sea Otter Experimental Population	1018-AA87
1091	Endangered and Threatened Wildlife and Plants	1018-AA95
1092	Endangered and Threatened Wildlife and Plants	1018-AA98
1093	Endangered and Threatened Wildlife and Plants	1018-AB02
1094	Endangered and Threatened Wildlife and Plants	1018-AB06
1095	Marine Mammals	1018-AA20
1096	Subsistence Take of Migratory Birds	1018-AA92
1097	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93
1098	National Wildlife Refuges	1018-AA35
1099	Fish and Wildlife Restoration Grants; Interest Earned on License Fees	1018-AA97

United States Fish and Wildlife Service—Completed Actions

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1101	Federal Aid in Fish and Wildlife Restoration--Interest Earned on License Fees	1018-AB00
1102	Alaska National Wildlife Monuments	1018-AA55
1103	Alaska National Wildlife Monuments: Minerals Management	1018-AA56

National Park Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1104	Applicability and Scope	1024-AB64
1105	Big Cypress National Preserve: Indian Use and Occupancy	1024-AA07
1106	Appraisal Authority Under the Land and Water Conservation Fund State Grant Program	1024-AB68
1107	National Park Service Acquisition Regulation	1024-AB35

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National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1108	Upper Delaware SRR: Fishing	1024-AA87
1109	Appalachian National Scenic Trail	1024-AB07
1110	Yellowstone National Park: Fishing Regulations	1024-AB57
1111	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1112	Canyon De Chelly National Monument	1024-AB47
1113	Hawaii Volcanoes National Park: Fishing Regulations	1024-AB66
1114	Mammoth Cave NP: Fishing	1024-AA94
1115	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1116	Rocky Mountain NP: Mountain Climbing and Winter Use	1024-AB16
1117	Rocky Mountain National Park: Fishing Regulations	1024-AB46
1118	Rocky Mountain National Park: Trucking Regulations	1024-AB67
1119	Delaware Water Gap NRA: Fishing	1024-AA98
1120	Big Thicket National Preserve: Hunting Regulations	1024-AB48
1121	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1122	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA59
1123	Management of Mining Claim Activities	1024-AB37
1124	NPS Units in Alaska: Concessions	1024-AB18
1125	Fire Island National Seashore: Zoning	1024-AA80
1126	Archeological and Historic Preservation Act; Department of the Interior Regulations	1024-AA49
1127	Curation of Federally Owned and Administered Archeological Collections	1024-AB13
1128	Cemetery Sites and Historical Places	1024-AA84

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1129	Vehicles and Traffic Safety	1024-AB06
1130	Discrimination in Employment Practices and Furnishing Public Services	1024-AB65
1131	Fire Island National Seashore: Off-Road Vehicles	1024-AA14
1132	Shenandoah National Park: Fishing Regulations	1024-AB51
1133	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1134	Blue Ridge Parkway: Commercial Vehicles	1024-AB36
1135	Buffalo National River: Fishing Regulations	1024-AB49
1136	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1137	Everglades NP: Mining	1024-AB10
1138	Lake Mead National Recreation Area: Noise Abatement Exemption	1024-AB50
1139	Lake Chelan NRA: Target Practice	1024-AB19
1140	Ross Lake NRA: Target Practice	1024-AB28
1141	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1142	NPS Units in Alaska: Closure Regulations	1024-AA71
1143	National Register of Historic Places	1024-AA44
1144	Determination of Eligibility for Inclusion in the National Register of Historic Places	1024-AA46
1145	Archeological Resources Protection Act; Department of the Interior Supplemental Regulations	1024-AA83

National Park Service—Completed Actions

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1146	Criteria for Determinations of Adverse Impact Under Section 165(d)(2)(C)(ii) and (iii) of the Clean Air Act	1024-AB40
1147	General Provisions; Resource Protection, Public Use and Recreation; Boating and Water Use Activities	1024-AB09
1148	Wildlife Protection	1024-AB62
1149	New River Gorge NR: Hunting	1024-AA86
1150	New River Gorge NR: Fishing	1024-AA88
1151	Canaveral National Seashore: Public Nudity Regulation	1024-AB52
1152	Lake Meredith Recreation Area - Firearms Regulations	1024-AB56
1153	Rocky Mountain NP: Winter Backcountry Trips	1024-AB17
1154	Delaware Water Gap National Recreation Area: Commercial Vehicle Regulations	1024-AB53

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National Park Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1155	Buck Island Reef NM: Fishing	1024-AA93
1156	Buck Island Reef NM: Submerged Features	1024-AA97
1157	Virgin Islands NP: Boating	1024-AB00
1158	Virgin Islands NP: Fishing	1024-AB01
1159	Padre Island National Seashore: Hunting	1024-AB22
1160	Whiskeytown National Recreation Area Parasailing Regulations	1024-AB60
1161	National Capital Region: Special Regulations	1024-AB29
1162	Minerals Management Nonfederal Oil and Gas Rights	1024-AB39
1163	Minerals Management Nonfederal Rights Other Than Oil and Gas	1024-AB55
1164	National Natural Landmarks	1024-AB41
1165	Transportation and Utility Systems in Alaska	1024-AA58

Bureau of Indian Affairs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1166	Indian Education Policies	1076-AB64
1167	Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina	1076-AB54
1168	Regulations for Pro Rata Shares of Tribal Funds	1076-AB65
1169	Distribution of Judgement Funds Awarded to the Osage Tribe of Indians in Oklahoma	1076-AB66
1170	Procedures for Depositing Funds to the Credit of 14X6140- Deposits of Proceeds of Lands Withdrawn for Native Selection, BIA	1076-AB67
1171	Land Records and Title Documents	1076-AB68
1172	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AB79

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1173	Appeals from Administrative Actions	1076-AB21
1174	Law Enforcement Expenditures	1076-AB97
1175	The Indian Police	1076-AB98
1176	Financial Assistance and Social Services Program	1076-AB92
1177	Financial Assistance and Social Services Program	1076-AB99
1178	Care of Indian Children in Contract Schools	1076-AB76
1179	Federal Schools For Indians (Revision)	1076-AB47
1180	Education Personnel	1076-AB02
1181	Indian School Equalization Program	1076-AA09
1182	The Indian School Equalization Program (New School Starts, Program Expansions, School Closures, Consolidations, and Program Reductions)	1076-AB48
1183	Administration of the Higher Education Program	1076-AA10
1184	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1185	Administration of the Indian Adult Education Programs	1076-AA15
1186	Enrollment Appeals	1076-AB95
1187	Use or Distribution of Indian Judgment Funds	1076-AB20
1188	Loans to Indians from the Revolving Loan Fund	1076-AC00
1189	Revolving Cattle Pool	1076-AC02
1190	Loan Guaranty, Insurance, and Interest Subsidy	1076-AC01
1191	Annuity and Other Per Capita Payments	1076-AB45
1192	Individual Indian Money Accounts	1076-AB91
1193	Management of Osage Judgment Funds for Education and Socio-Economic Programs	1076-AB51
1194	Land Acquisitions	1076-AA81
1195	Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands	1076-AB90
1196	Navajo Grazing Regulations	1076-AA33
1197	Roads of the Bureau of Indian Affairs	1076-AB05
1198	Colorado River Irrigation Project, Arizona	1076-AC04
1199	Life Estates and Future Interests	1076-AC06

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Bureau of Indian Affairs—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
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1201	Leasing of Osage Reservation Lands, Oklahoma, for Mining Except Oil and Gas	1076-AB42
1202	Heritage Preservation	1076-AA45
1203	Contracts Under Indian Self-Determination Act (Subpart H - New School Starts and Program Expansions)	1076-AB49
1204	Subchapter M -- Indian Self-Determination and Education Assistance Act Programs	1076-AB62
1205	Contracts Under Indian Self-Determination Act	1076-AC05
1206	Uniform Administrative Requirements for Contracts and Grants	1076-AA52
1207	Special Grants for Economic Development and Core Management Grants to Small Tribes.; Subpart B - Special Grants for Economic Development	1076-AB94
1208	Indian Business Development Program	1076-AA55
1209	Tribal Gaming Management Contracts	1076-AC07
1210	Buy Indian Act Contracting	1076-AA56

Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1211	Safety Code Compliance	1076-AB61
1212	Law and Order on Indian Reservations	1076-AA01
1213	Enrollment of Indians of the San Pasqual Band of Mission Indians in California	1076-AB59
1214	Attorney Fee Contracts with Indian Tribes; Payment of Tribal Attorney Fees with Federally Appropriated Funds	1076-AB87
1215	Rights-of-Way Over Indian Lands	1076-AB89
1216	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
1217	Leasing of Allotted Lands for Mining	1076-AA39
1218	Operation, Reclamation and Conservation on Mineral Lands	1076-AA40
1219	Oil and Gas Mineral Agreements	1076-AA82
1220	Wind River Reservation Game Code	1076-AB43
1221	Fraser River Convention Sockeye and Pink Salmon Fishery	1076-AC03
1222	Indian Fishing: Hoopa Valley Indian Reservation	1076-AA83

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1223	Preference in Employment	1076-AB60
1224	Reallotment of Lands to Unallotted Indian Children	1076-AB70
1225	Lead and Zinc Mining Operations and Leases, Quapaw Agency	1076-AB75
1226	Management of Tribal Assets of Ute Indian Tribe, Uintah and Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corp	1076-AB78
1227	Leasing of Certain Lands in Wind River Indian Reservation, Wyoming, for Oil and Gas Mining	1076-AB80
1228	Contracts under Indian Self-Determination and Education Assistance Act	1076-AA47
1229	Grants Under Indian Self-Determination and Education Assistance Act	1076-AA48

Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1230	Administration of 20 Percent Set Aside	1010-AA73
1231	Assessments for Incorrect or Late Reports and Failure to Report	1010-AB08
1232	Air Quality	1010-AA61

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Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1233	Valuation of Oil for Royalty Purposes from Federal and Indian Leases	1010-AA30
1234	Valuation of Gas and Gas Products for Royalty Purposes, from Federal and Indian Leases	1010-AA54
1235	Valuation of Coal for Royalty Purposes from Federal and Indian Leases	1010-AA83
1236	Change Effective Date of Adopted Modifications to NTL-5	1010-AB09
1237	Providing Information Claiming Rewards under the Federal Oil and Gas Royalty Management Act of 1982	1010-AB02
1238	Threshold Requirement for Payments by Electronic Funds Transfer	1010-AB03
1239	Data and Information to be Made Available to the Public	1010-AB07
1240	Prospecting for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA71
1241	Extension of Protection of Proprietary Data and Information Until a Subsequent Lease Sale in an Area	1010-AA93
1242	Supplemental Sales	1010-AB05
1243	Nondiscrimination in Employment in the Outer Continental Shelf	1010-AA87
1244	Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA82
1245	Development and Production Operations for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA81

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1246	Oil and Gas and Sulphur Operations on the Outer Continental Shelf (OCS)	1010-AA53
1247	Accidents, Fires, and Malfunctions Fact-Findings Proceedings	1010-AA88
1248	Report of Cessation of Production	1010-AB04

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1249	Computation of Oil and Gas Transportation Allowance	1010-AA45
1250	Computation of Gas Processing Deductions	1010-AA46
1251	Product Valuation Waste Prevention; Beneficial Use	1010-AB01
1252	Royalty-in-Kind Crude Oil	1010-AA31
1253	Direct Payment of Royalties to Indian Tribes or Allottees	1010-AA78
1254	Removal of Postproduction Platforms	1010-AA66
1255	Safety and Pollution Prevention Equipment	1010-AA96
1256	Borehole Abandonment	1010-AA98
1257	Outer Continental Shelf: Notice of Sale	1010-AB06
1258	Appeals Procedures	1010-AA68

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1259	Termination of Jurisdiction Under SMCRA	1029-AB07
1260	Surface Coal Mining Operations; Definition of In Connection With	1029-AB08
1261	Permanent Regulatory Program; Requirements for Permits for Special Categories of Mining	1029-AA54
1262	Permanent Program Performance Standards; Surface and Underground Activities; Roads	1029-AA60
1263	Permanent Regulatory Program Definitions; Areas Unsuitable for Mining	1029-AA80
1264	Permanent Regulatory Program Definitions	1029-AA84
1265	Permanent Regulatory Program Definition of Support Facilities	1029-AA94
1266	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	1029-AA53
1267	Exemption for Coal Extraction Incidental to Government Financed Construction	1029-AA58
1268	Requirements for Coal Exploration--Permit Requirements for Exploration Removing More than 250 Tons of Coal	1029-AA92

DOI

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
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1270	Federal Lands Program	1029-AA76
1271	Surface Coal Mining and Reclamation Operations on Indian Lands	1029-AB04
1272	Definition and Criteria for Valid Existing Rights	1029-AA77
1273	Lands Unsuitable Regulations	1029-AA90
1274	Substantial Legal and Financial Commitment	1029-AB01
1275	Unsuitability Petition Process	1029-AB00
1276	Permanent Regulatory Program - Ownership Information	1029-AA96
1277	Permanent Regulatory Program; Requirements for Permits, Information on Hydrologic Impacts	1029-AB11
1278	Permanent Regulatory Program - Mountaintop Removal	1029-AA97
1279	Requirements for Permits for Special Categories of Mining; Experimental Practices	1029-AB06
1280	Permanent Program Performance Standards; Disposal of Coal Mine Waste	1029-AB09
1281	Permanent Program Performance Standards; Surface and Underground Mining Activities; Backfilling and Grading	1029-AA57
1282	Permanent Program Performance Standards; Surface Mining Activities; Contemporaneous Reclamation	1029-AB02
1283	Permanent Program Performance Standards; Highwall Policy	1029-AB10
1284	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities -- Revegetation	1029-AA86
1285	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities - Impoundments	1029-AA79
1286	Special Permanent Program Performance Standards; Operations on Prime Farmland	1029-AA64
1287	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Programs; Permanent Program Inspection and Enforcement Procedures	1029-AA67
1288	Collection of AML Fees - Moisture Content of Coal	1029-AB03
1289	Abandoned Mine Land Funding - Eligibility of Land Reaffected by Mining	1029-AA95
1290	California Federal Program	1029-AB05

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1291	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program-Ownership And Control	1029-AA56
1292	Permanent Regulatory Program; Definition of Coal Preparation Plants	1029-AA73
1293	Permanent Program Performance Standards Definitions, Previously Mined Areas	1029-AA88
1294	Individual Civil Penalties	1029-AA81
1295	Criteria for Designating Areas as Unsuitable for Mining Operations Fragile and Historic	1029-AA62
1296	Requirements For Permits and Permit Processing; Permit Applications Minimum Requirements For Legal Financial Civil Penalties	1029-AA66
1297	Requirements for Permits and Permit Processing	1029-AA87
1298	Surface Mining Permit Applications; Minimum Requirements for Information on Environmental Resources	1029-AA74
1299	Requirement to Release Performance Bonds	1029-AA91
1300	Permanent Program Performance Standards Underground Mining Activities - Hydrologic Balance Protection	1029-AA75
1301	State-Federal Cooperative Agreements	1029-AA40

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1302	Subchapter A - General, Applicability	1029-AA89
1303	Permanent Regulatory Program; Definition of Adverse Physical Impact	1029-AA52
1304	Restriction on Financial Interests of State Employees	1029-AA41
1305	Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs	1029-AA42
1306	Permanent Program Performance Standards and Permit Application Minimum Requirements - Underground Mining Activities Subsidence Control	1029-AA63
1307	Reclamation on Private Land	1029-AA68

DOI

Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1308	Off-Road Vehicle Use	1006-AA06
1309	Acreage Limitation Rules and Regulations	1006-AA16

Bureau of Reclamation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1310	Acreage Limitation: Revised Proposed Rules and Regulations	1006-AA15

Bureau of Reclamation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1311	Newlands Reclamation Project, NV; Truckee River Storage Project, NV; & Washoe Reclamation Project; NV-CA (Truckee & Carson River Basins, CA-NV); Pyramid Lake Indian Reservation, NV, ETC	1006-AA08

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1312	Public Land Records	1004-AA77
1313	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1314	Exchanges - General Procedures	1004-AB28
1315	Land Classification	1004-AB19
1316	Indian Allotments	1004-AB10
1317	Rights-of-Way, Principles and Procedures	1004-AB00
1318	Rights-of-Way under the Mineral Leasing Act	1004-AA98
1319	Recreation and Public Purposes Act Leases	1004-AA73
1320	Leases, Permits and Easements	1004-AB29
1321	Exploration Activity; Oil and Gas Leasing	1004-AA97
1322	Exploration Activity; Oil and Gas Leasing, Oil and Gas Leasing - National Petroleum Reserve - Alaska; Geothermal Resource Leasing - General	1004-AB13
1323	Oil and Gas Leasing	1004-AB30
1324	Oil and Gas Leasing - Fees, Rentals and Royalties	1004-AB31
1325	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66
1326	Onshore Oil and Gas Order No. 6 - Hydrogen Sulfide Operations	1004-AA67
1327	Onshore Oil and Gas Operations - Onshore Oil and Gas Order Number 4-Measurement of Crude Oil	1004-AA96
1328	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1329	Onshore Oil and Gas Order No. 3 - Site Security	1004-AB24
1330	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB32
1331	Geothermal Resource Operations	1004-AB18
1332	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1333	Competitive Leasing; Environment	1004-AB25
1334	Noncompetitive Leases	1004-AB33
1335	Onshore Oil and Gas Order No. 5 - Measurement of Natural Gas	1004-AB22
1336	Operating Regulations for Exploration, Development and Production	1004-AA68
1337	Multiple Use: Mining: Mining Claims Under the General Mining Laws	1004-AB04
1338	Grazing Administration - Exclusive of Alaska	1004-AB23
1339	Protection of Special Status Plants	1004-AB09
1340	Cultural Resource Management	1004-AA69
1341	Paleontology	1004-AA27
1342	Recreation: General	1004-AA35

DOI

Bureau of Land Management—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1343	Off-Road Vehicles	1004-AB26
1344	Cadastral Survey	1004-AB07
1345	Unauthorized Use of Public Lands	1004-AA38

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1346	Opening and Closing Lands	1004-AA78
1347	Alaska State Selection	1004-AA12
1348	Rights-of-Way: Principles and Procedures	1004-AA17
1349	Rights-of-Way; Principles and Procedures; Oil and Natural Gas Pipelines and Related Facilities, General	1004-AA74
1350	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB17
1351	Use Authorizations; Special Recreation Permits	1004-AA36

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1352	Desert Land Entries	1004-AB11
1353	Airport Leases	1004-AA49
1354	Onshore Oil and Gas Operations - Noncompliance and Assessments	1004-AB05
1355	Coal Management Provisions and Limitations	1004-AB27

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1356	Natural Resource Damage Assessments	1093-AA04

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1357	Natural Resource Damage Assessment - Type B Amendments	1093-AA05

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1050. DEPARTMENT OF THE INTERIOR - NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: 5 USC 301; EO 12549

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This notice of proposed rulemaking proposes common regulations implementing the Office of Management and Budget guidelines which prescribe the scope, government criteria, minimum due process procedures, and other guidance for a system for nonprocurement debarment or suspension of a nonprocurement program participant and will have governmentwide effect.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Washington, DC 20240, 202 343-6431

RIN: 1090-AA12

1051. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 31 USC 501 et seq; 16 USC 452; EO 11541; 31 USC 6503 to 6504; Act of 1968; 16 USC 831h; 31 USC 6301; 5 USC 301; 24 USC 278; 31 USC 701 et seq as amended; 40 USC 474 et seq; 41 USC 5 et seq

CFR Citation: 43 CFR Not yet determined

Legal Deadline: None.

Abstract: This Notice of Proposed Rulemaking proposes common regulations establishing consistency and uniformity among Federal agencies in the administration of grants to State, local, and federally recognized Indian tribal governments.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-6431

RIN: 1090-AA11

1052. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION (FAR)

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule will implement changes in the FAR as a result of the Small Business and Federal Procurement Competition Enhancement Act of 1984, P.L. 98-577.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William S. Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090-AA10

1053. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090-AA14

1054. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1415

Legal Deadline: None.

Abstract: This rule will establish formal source selection procedures for the Department pursuant to FAR 15.612.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Opdyke, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090-AA13

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1055. NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE A PROCEDURES

Significance: Regulatory Program

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Legal Deadline: Judicial, February 4, 1987. Statutory deadline 12/11/82. Judicial deadlines require NPRM by 05/05/86 and final rule by 02/04/87.

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of

regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	48 FR 1084
ANPRM - second. Comment summary; comment period reopened to 08/31/83	08/31/83	48 FR 34768
Comment period reopened until 5/31/85	01/11/85	50 FR 1550
NPRM	05/05/86	
Final Rule Submitted to Federal Register	02/03/87	
Final Action	03/20/87	52 FR 9042

Small Entity: No

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets, NW, Washington, DC 20240, 202 343-1301

RIN: 1090-AA07

1056. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule will implement changes made in the FAR as a result of the Competition in Contracting Act of 1984, P.L. 98-369.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	51 FR 11075
Final Action	11/20/86	51 FR 41964
Final Action Effective	12/22/86	

Small Entity: No

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090-AA08

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-RK-T

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Office of the Solicitor (OSOL)

1057. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None.

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Deborah Ryan Howard, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA00

1058. RECORDS AND TESTIMONY

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 2

Legal Deadline: None.

Abstract: The Department's regulation will be amended to incorporate amendments to the FOIA made by the FOIA Reform Act of 1986, P.L. 99-570, and to update and clarify provisions that have been in effect since 1975.

Timetable:

Action	Date	FR Cite
NPRM	03/15/87	
NPRM Comment Period End	04/15/87	
Final Action	04/27/87	

Small Entity: No

Agency Contact: John D. Trezise, Assistant Solicitor, Department of the Interior, Office of the Solicitor, 18th & C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA02

1059. TRANS-ALASKA PIPELINE LIABILITY FUND

Legal Authority: 43 USC 1653(c); 33 USC 1321(p)(1),(2)

CFR Citation: 43 CFR 29

Legal Deadline: None.

Abstract: These regulations, which supervise and administer the Fund provided for by Sec. 204(c) of the Trans-Alaska Pipeline Authorization Act, 43 USC Sec 1653(c) will be amended to eliminate inconsistencies between the existing regulations and the Act, clarify language which has been found to be confusing, delete provisions that are no longer necessary, and provide a more efficient process for filing and considering claims made against the Fund.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	

Small Entity: No

Agency Contact: Robert H. Moll, Attorney-Advisor, Department of the Interior, Office of the Solicitor, Washington, DC 20240, 202 343-5216

RIN: 1092-AA03

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-17-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Final Rule Stage

1060. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: The Age Discrimination Act of 1975, as amended; 42 USC 6101; 45 CFR 90

CFR Citation: 43 CFR 17, Subpart C

Legal Deadline: None.

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 976
Begin Review	08/00/86	
Final Action	09/00/87	

Small Entity: No

Additional Information: LEGAL AUTHORITY: Originally scheduled: January 1979.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-3455

RIN: 1091-AA00

1061. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF THE INTERIOR PROGRAMS

Legal Authority: PL 95-602, Sec 504; 29 USC 794

CFR Citation: 43 CFR 17, Subpart E

Legal Deadline: Judicial. The Court asked that the rules be published as quickly as possible.

Abstract: This rule will provide for the enforcement of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap as applied to programs or activities conducted by the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	09/11/85	50 FR 37006
NPRM Comment Period End	11/11/85	
Final Action	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Joseph A. Canedo, Departmental Section 504 Program Manager, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-7494

RIN: 1091-AA01

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-RE-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1062. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4, Subpart B

Legal Deadline: None.

Abstract: Rulemaking is being proposed to make express provision for in camera review of information which is exempt, protected, or prohibited from unauthorized disclosure by Federal statute when such information is submitted in an administrative proceeding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA26

1063. ● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat. 855, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021-1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4, Subpart D

Legal Deadline: None.

Abstract: The agency is proposing to make changes to its regulations governing appeals to the Board of Indian Appeals in order to ensure compatibility between those regulations and proposed changes to administrative appeals regulations of the Bureau of Indian Affairs in 25 CFR Part 2. The rulemaking would incorporate two specific changes to regulations in 43 CFR Part 4, Subpart D, listed on previous agenda.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Kathryn Lynn, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3816

RIN: 1094-AA31

1064. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1275; 5 USC 301

CFR Citation: 43 CFR 4.1276

Legal Deadline: None.

Abstract: The proposed rulemaking will revise existing rules relating to time

DOI—OHA

Proposed Rule Stage

limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: James R. Kleiler, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094–AA10

1065. TRIBAL ACQUISITION OF INTERESTS UNDER SPECIAL STATUTE

Legal Authority: 25 USC 2201 to 2210

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Legal Deadline: None.

Abstract: The Indian Land Consolidation Act (Act) was enacted on January 12, 1983, and changes existing law regarding the descent of Indian trust and restricted lands. The Act provides that certain undivided fractional interests in such lands can now be acquired by the tribe instead of descending by intestacy or devise. Existing regulations governing the probate of Indian lands by Indian Probate Judges must therefore be amended to conform with the Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3810

RIN: 1094–AA08

1066. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None.

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA25

1067. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.411

Legal Deadline: None.

Abstract: The agency will propose to amend its procedural regulations to provide relief to appellants who mistakenly file their notices of appeal with the Board instead of the office specified in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: David L. Hughes, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA30

DEPARTMENT OF THE INTERIOR (DOI)

Office of Hearings and Appeals (OHA)

Final Rule Stage

1068. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201; 43 USC 1701

CFR Citation: 43 CFR 4, Subpart E

Legal Deadline: None.

Abstract: Rulemaking has been initiated to revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36414
NPRM Comment Period End	11/10/86	51 FR 36414
Final Action	04/00/87	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: James R. Kleiler, Attorney Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA01

1069. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 et seq, Subpart L

Legal Deadline: None.

Abstract: Regulations will be proposed to add procedures for the assessment of individual civil penalties under 30 USC 1268(f).

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46846
NPRM Comment Period End	02/23/87	51 FR 46846
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA28

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DOI—OHA

Final Rule Stage

1070. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 et seq, Subpart L

Legal Deadline: None.

Abstract: Regulations are being proposed to add procedures for hearings and appeals under the permanent regulatory program of the Surface Mining Control and Reclamation Act of 1977 (including review of approval or disapproval of applications for permits).

Timetable:

Action	Date	FR Cite
NPRM	10/02/86	51 FR 35248
NPRM Comment Period End	11/03/86	51 FR 35248
Final Action	03/00/87	

Small Entity: Undetermined

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA29

1071. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.231(b); 43 CFR 4.236; 43 CFR 4.320(c); 43 CFR 4.323

Legal Deadline: None.

Abstract: The agency is proposing that the transcription of hearings before administrative law judges (Indian probate), which is presently required in all cases, should be made discretionary.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28846
NPRM Comment Period End	10/14/86	51 FR 28846
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA15

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Completed Actions

1072. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.208, (New)

Legal Deadline: None.

Abstract: The agency is investigating whether there is need for a new rule relating to disclaimers of devises under Indian wills.

Timetable:

Action	Date	FR Cite
NPRM	05/19/86	51 FR 18345
NPRM Comment Period End	06/18/86	51 FR 18345
Final Action	10/02/86	51 FR 35219
Final Action Effective	11/03/86	51 FR 35219

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA11

1073. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 372a; 25 USC 373a

CFR Citation: 43 CFR 4.202

Legal Deadline: None.

Abstract: The agency is proposing to add a new regulation to provide procedures to be followed when heirs in an Indian probate proceeding cannot be located.

Timetable:

Action	Date	FR Cite
NPRM	05/19/86	51 FR 18345
NPRM Comment Period End	06/18/86	51 FR 18345
Final Action	10/02/86	51 FR 35219
Final Action Effective	11/03/86	51 FR 35219

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA16

1074. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.310(a)

Legal Deadline: None.

Abstract: The existing rule is being reviewed to determine whether a change should be made to the effective date for filing a notice of appeal under 25 CFR 2.19, relating to appeals from decisions of officials of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
End Review	01/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and

Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094–AA17

1075. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.340

Legal Deadline: None.

Abstract: It will be proposed to amend the existing rule to delete the requirement that copies of decisions of the Board of Indian Appeals be sent to parties by certified mail.

Timetable:

Action	Date	FR Cite
Incorporated into larger rulemaking	01/08/87	

Small Entity: No

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094–AA13

1076. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.413

Legal Deadline: None.

Abstract: The agency is reviewing the rule to determine whether it should be revised to change the designation of the appropriate officer in the Solicitor's Office to receive service in administrative appeals from decisions of the Eastern States Office, Bureau of Land Management.

Timetable:

Action	Date	FR Cite
End Review	01/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: James R. Kleiler, Attorney Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA20

[FR Doc. 87-8609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-79-T

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Prerule Stage

1077. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the 1987-88 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
Final Action 1986-87 seasons	09/30/86	51 FR 34623
ANPRM	03/00/87	
NPRM	06/00/87	
Final Action	09/00/87	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 254-3207

RIN: 1018–AA24

1078. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Walter Steiglitz, Assistant Director - Refuge and Wildlife, Department of the Interior, United States Fish and Wildlife Service, Room 3252 Interior, US Fish and

DOI—FWS

Prerule Stage

Wildlife Service, Washington, DC 20240, 202 343-5333

RIN: 1018-AB03

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

1079. ● INJURIOUS WILDLIFE - MITTEN CRABS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None.

Abstract: Regulations will be developed which would determine whether to add the mitten crab to the list of injurious wildlife, under the Lacey Act. Such act prohibits importation and introduction into the natural eco-system of the United States any species which may pose a threat to agriculture, the health and welfare of human beings and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/87	52 FR 2748
Request for InformationMitten crabs	01/26/87	52 FR 2748
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Department of the Interior, US Fish and Wildlife Service, Washington, DC 20240, 202 632-2202

RIN: 1018-AB04

1080. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Heliotrope milk-vetch

NPRM 01/13/81 (46 FR 3188)
Final Action 09/07/83 (48 FR 31414)

Silverling

Final Action 10/25/83 (48 FR 49316)
NPRM 00/00/00

Small Entity: No

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA10

1081. INCIDENTAL TAKING OF MARINE MAMMALS BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 13

CFR Citation: 50 CFR 18

Legal Deadline: None.

Abstract: The Service will develop regulations to implement a provision contained in the 1981 amendments to the Marine Mammal Protection Act, concerning the incidental taking of marine mammals by commercial fishermen. The rules would apply to those species of marine mammals for which the Service has responsibility, i.e. sea otters, walrus, polar bears, manatees, and dugongs, except those listed as depleted.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 202 632-2202

RIN: 1018-AA96

1082. ● MARINE MAMMAL PROTECTION ACT AND ENDANGERED SPECIES ACT REVISIONS

Legal Authority: 16 USC 1371; 16 USC 1536

CFR Citation: 50 CFR 18; 50 CFR 402

Legal Deadline: None.

Abstract: This rule will implement the Marine Mammal Protection Act, revision which deleted terminology related to depleted species, and the Endangered Species Act, Section 7, revision regarding interagency coordination.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Department of the Interior, U.S. Fish and Wildlife Service, Washington, DC 20240, 202 632-2202

RIN: 1018-AB05

1083. GENERAL PERMIT PROCEDURES AND MIGRATORY BIRD PERMITS: RAPTOR PROPAGATION AND FALCONRY REGULATIONS

Legal Authority: 16 USC 703; 16 USC 1531

CFR Citation: 50 CFR 21; 50 CFR 13

Legal Deadline: None.

Abstract: This action will examine changes to the restrictions concerning propagation of raptors and standards for falconry. The Service will expand authorized activities and de-regulate certain other activities.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/86	51 FR 18812
ANPRM Comment Period End	05/23/86	51 FR 18812
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Room 300 Hamilton, US Fish and Wildlife Service, Washington, DC 20240, 202 343-9242

RIN: 1018-AB01

1084. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26; 50 CFR 32; 50 CFR 33

Legal Deadline: None.

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/03/84	49 FR 27334
NPRM Comment Period End	08/02/84	49 FR 27334
Final Action Hunting and Fishing	09/19/84	49 FR 36736
NPRM Public Entry and Use	10/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA36

1085. HUNTING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None.

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
Final Action1986-87 seasons	09/11/86	51 FR 32321
NPRM	07/00/87	51 FR 24179
Final Action	09/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA71

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Final Rule Stage

1086. HUMANE TRANSPORT OF WILD ANIMALS AND BIRDS

Significance: Regulatory Program

Legal Authority: PL 97-79, 95 Stat. 1073

CFR Citation: 50 CFR 14

Legal Deadline: Statutory. 180 days after enactment of Public Law 97-79, dated November 16, 1981.

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	02/26/82	47 FR 8386
Notice of Intent to propose Rules	06/30/82	47 FR 28431
NPRM	12/04/85	50 FR 49709
NPRM Comment Period End	03/05/86	51 FR 4945
Final Action	07/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Earl Baysinger, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1937

RIN: 1018-AA07

1087. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None.

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly

issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	51 FR 24559
Final Action	08/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9242

RIN: 1018-AA79

1088. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Flattened musk turtle
NPRM - Reopen comment period 10/31/86 (51 FR 39758)
Final Action 05/00/87

Pecos bluntnose shiner
NPRM 05/11/84 (49 FR 20031)
Final Action 00/00/00

Sacramento Mountains thistle
NPRM 05/16/84 (49 FR 20735)
Final Action 00/00/00

Sonoran chub
NPRM 06/06/84 (49 FR 23402)
Final Action 04/30/86 (51 FR 16042)

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 00/00/00

Welsh's milkweed
NPRM 06/06/84 (49 FR 23399)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: Originally scheduled: October 1984.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-2771

RIN: 1018-AA84

1089. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Bay Checkerspot butterfly
NPRM - Reopen comment period 07/02/86 (51 FR 24178)
Final Action 07/00/87

Blackside dace
NPRM 05/21/86 (51 FR 18624)
Final Action 00/00/00

Inyo brown towhee
NPRM 03/07/85 (50 FR 9300)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: Originally scheduled: April 1985.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA85

1090. SOUTHERN SEA OTTER EXPERIMENTAL POPULATION

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None.

Abstract: Regulations will be proposed to identify an experimental population for the southern sea otter (Buhydra lutris nereis) as provided by Section 19(j) of the 1982 amendments to the ESA. The experimental population designation will increase management flexibility to enhance the recovery effort for this species.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 29362
ANPRM Comment Period End	11/17/86	51 FR 29362
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Marvin Moriarty, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA87

1091. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 09/00/87

Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Little Colorado spinedace
NPRM 05/22/85 (50 FR 21095)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United

States Fish and Wildlife Service, 6th Floor Broyhill (OES), Washington, DC 20240, 703 235-2771

RIN: 1018-AA95

1092. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama leather flower
NPRM 12/06/85 (50 FR 49970)
Final Action 09/26/86 (51 FR 34420)

Bruneau hot spring snail
NPRM 12/30/86 (51 FR 47033)
Final Action 12/00/87

Dismal swamp southeastern shrew
NPRM 07/16/85 (50 FR 28821)
Final Action 09/26/86 (51 FR 34422)

Florida grasshopper sparrow
NPRM 12/18/85 (50 FR 51565)
Final Action 07/31/86 (51 FR 27492)

Giant kangaroo rat
NPRM 08/13/85 (50 FR 32585)
Final Action 01/05/87 (52 FR 283)

Hayun lagu
NPRM 10/25/85 (50 FR 43423)
Final Action 00/00/00

Jesup's milk vetch
NPRM 12/19/85 (50 FR 51718)
Final Action 00/00/00

Ko'oloa'ula
NPRM 07/16/85 (50 FR 28876)
Final Action 09/26/86 (51 FR 34412)

Leadbeater's possum, et. al.
NPRM 10/25/85 (50 FR 43420)
Final Action 05/16/86 (51 FR 17977)

Leopard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 00/00/00

Palmate-bracted bird's beak
NPRM 07/16/85 (50 FR 28870)
Final Action 07/01/86 (51 FR 23765)

Peter's mountain mallow
NPRM 09/03/85 (50 FR 35584)
Final Action 05/12/86 (51 FR 17343)

Pondberry
NPRM 03/11/86 (51 FR 8340)
Final Action 07/31/86 (51 FR 27495)

Prairie bush cover
NPRM 12/06/85 (50 FR 49967)
Final Action 01/09/87 (52 FR 781)

Santa Cruz cypress
NPRM 09/12/85 (50 FR 37249)
Final Action 01/08/87 (52 FR 675)

Spikedace
NPRM 06/18/85 (50 FR 25390)
Final Action 07/01/86 (51 FR 23769)

Tinian monarch
NPRM 11/01/85 (50 FR 45632)
Final Action 00/00/00

Waccamaw silverside
NPRM 01/16/86 (51 FR 2409)
Final Action 00/00/00

Small Entity: Not Applicable

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-2271

RIN: 1018-AA98

1093. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama red bellied turtle
NPRM 07/08/86 (51 FR 24730)
Final Action 07/00/87

American alligator
NPRM 06/02/86 (51 FR 19760)
Final Action 06/00/87

Audubon's crested caracara
NPRM 06/23/86 (51 FR 22838)
Final Action 06/00/87

Blackside dace
NPRM 05/22/86 (51 FR 18624)
Final Action 05/00/87

Blowout penstemon
NPRM 04/29/86 (51 FR 15929)
Final Action 04/00/87

Cambarus zophonastes
NPRM 05/05/86 (51 FR 16569)
Final Action 05/00/87

Cape Fear Shiner
NPRM 07/11/86 (51 FR 25219)
Final Action 07/00/87

Concho water snake
NPRM 01/22/86 (51 FR 2923)
Final Action 09/03/86 (51 FR 31412)

Fish Creek Springs tui chub
NPRM 03/10/86 (51 FR 8215)
Final Action 03/00/87

Florida scrub jay
NPRM 05/21/86 (51 FR 18627)
Final Action 05/00/87

Geocarpon minimum
NPRM 04/10/86 (51 FR 12463)
Final Action 04/00/87

Gopher tortoise
NPRM 07/08/86 (51 FR 24723)
Final Action 07/00/87

Loch Lomond coyote thistle
NPRM 03/26/86 (51 FR 10412)
Final Action 12/23/86 (51 FR 45904)

Missouri bladder pod
NPRM 04/07/86 (51 FR 11874)
Final Action 01/08/87 (52 FR 679)

Mount Graham red squirrel
NPRM 05/21/86 (51 FR 18630)
Final Action 05/00/87

Nashville crayfish
NPRM 01/24/86 (51 FR 3229)
Final Action 09/26/87 (51 FR 34410)

Palo de Ramon
NPRM 04/10/86 (51 FR 12455)
Final Action 04/00/87

Ranched Nile crocodile-zimbabwe
NPRM 03/07/86 (51 FR 7965)
Final Action 03/00/87

Ringed sawback turtle
NPRM 01/21/86 (51 FR 2741)
Final Action 12/23/86 (51 FR 45907)

Rough leaved loosestrife
NPRM 04/10/86 (51 FR 12451)
Final Action 04/00/87

Running Buffalo clover
NPRM 03/10/86 (51 FR 8217)
Final Action 03/00/87

San Rafael cactus
NPRM 03/27/86 (51 FR 10560)
Final Action 03/00/87

Scrub lupine
NPRM 04/24/86 (51 FR 15514)
Final Action 04/00/87

Seven Florida scrub plants
NPRM 04/10/86 (51 FR 12444)
Final Action 01/21/87 (52 FR 2227)

Spreading wild buckwheat
NPRM 04/07/86 (51 FR 11880)
Final Action 04/00/87

Virgin River chub
NPRM 06/24/86 (51 FR 22949)
Final Action 06/00/87

Wheeler's peperomia
NPRM 04/10/86 (51 FR 12457)
Final Action 04/00/87

White bladderpod
NPRM 04/09/86 (51 FR 12184)
Final Action 04/00/87

Wide leaf warea
NPRM 05/16/86 (51 FR 18010)
Final Action 05/00/87

Small Entity: Not Applicable

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 500 Broyhill, US Fish and Wildlife Service, Washington, DC 20240, 703 235-2771

RIN: 1018-AB02

1094. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 017

Legal Deadline: Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Black capped vireo
NPRM 12/12/86 (51 FR 44808)
Final Action 12/00/87

Bradshaw's lomatium
NPRM 11/21/86 (51 FR 42116)
Final Action 11/00/87

Cyathea dryopteroides and Ilex cookii
NPRM 09/25/86 (51 FR 34103)
Final Action 09/00/87

Florida bonamia
NPRM 11/04/86 (51 FR 40044)
Final Action 11/00/87

Florida lizards
NPRM 01/21/87 (52 FR 2242)
Final Action 01/00/88

Hualapai vole
NPRM 01/05/87 (52 FR 306)
Final Action 01/00/88

Miami palmetto
NPRM 11/04/86 (51 FR 40051)
Final Action 11/00/87

Pawnee montane skipper
NPRM 09/25/86 (51 FR 34106)
Final Action 09/00/87

Puerto Rican crested toad
NPRM 12/23/86 (51 FR 45923)
Final Action 12/00/87

Roseate tern
NPRM 11/04/86 (51 FR 40047)
Final Action 11/00/87

Small Entity: Not Applicable

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 500 Broyhill, US Fish and Wildlife Service, Washington, DC 20240, 703 235-2771

RIN: 1018-AB06

1095. MARINE MAMMALS

Legal Authority: 16 USC 1382(a)

CFR Citation: 50 CFR 18

Legal Deadline: None.

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49577
Extend comment period	03/25/86	51 FR 10243
Final Action	09/00/87	

Small Entity: No

Additional Information: Originally scheduled: July 1980.

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018-AA20

1096. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
Notice of intent to propose rules	05/19/86	51 FR 18349
NOI comment period end	08/01/86	51 FR 26029
Terminate	05/00/87	

Small Entity: Undetermined

Additional Information: This action will follow that in RIN 1018-AA90 that was listed in the Regulatory Program of the United States Government.

Agency Contact: Walter Stieglitz, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, Room 3252, Washington, DC 20240, 202 343-5333

RIN: 1018-AA92

1097. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	06/27/86	51 FR 23444
Final Action1986-87 seasons	09/03/86	51 FR 31429
Final ActionNon-toxic shot approval procedures	11/21/86	51 FR 42098
Final Action1987-88 seasons	11/21/86	51 FR 42103
ANPRM Comment Period End	01/15/87	52 FR 1636
ANPRM	02/17/87	52 FR 1636

Action	Date	FR Cite
Final Action	08/00/87	

Small Entity: No

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 536 Matomic, Washington, DC 20240, 202 254-3207

RIN: 1018-AA93

1098. NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd et seq; Withdrawal Proclamation of 2/11/80, Sec 204(c) (45 FR 9562)

CFR Citation: 50 CFR 26, Subpart C

Legal Deadline: None.

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Timetable:

Action	Date	FR Cite
Emergency Rule	03/04/80	45 FR 14192
Propose rescinding rule	04/30/86	51 FR 16083
Rescind emergency rule	10/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA35

1099. FISH AND WILDLIFE RESTORATION GRANTS; INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 80

Legal Deadline: None.

Abstract: This action proposes to incorporate general accepted accounting principles related to interest earned on fees collected by the States through the sale of hunting and fishing licenses. The rule would require States to ensure that such interest is used in their fish and wildlife conservation programs.

Timetable:

Action	Date	FR Cite
NPRM	12/09/85	51 FR 50185
NPRM Comment Period End	03/28/86	51 FR 7579
Final Action	06/00/87	

Small Entity: No

Agency Contact: Conley Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-1526

RIN: 1018-AA97

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

1100. MINERAL RIGHTS RESERVED AND EXCEPTED

Legal Authority: 16 USC 668(dd) National Wildlife Refuge System Admin Act

CFR Citation: 50 CFR 29.32, (Revision)

Legal Deadline: None.

Abstract: Existing regulations will be revised to provide more comprehensive guidance on the procedures to be followed by persons conducting mineral exploration and/or development on National Wildlife Refuge System (NWRS) lands where the mineral rights are vested in other parties. Such operations were conducted on 47 NWRS units in 11 states during 1984. The purpose of the new rule will be to protect NWRS resources to the maximum extent possible without infringing upon the rights of the subsurface owners. Similar regulations of the National Park Service (36 CFR 9.30) and the Forest Service (36 CFR 251.15) will be considered in developing the NWRS regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20814
ANPRM Comment Period End	07/05/85	50 FR 20814
Terminated	02/05/87	

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA86

1101. FEDERAL AID IN FISH AND WILDLIFE RESTORATION--INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 080

Legal Deadline: None.

Abstract: This action will address appropriate uses of interest earned on license fees collected by State fish and wildlife management agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/09/85	50 FR 50185
NPRM Comment Period End	03/28/86	51 FR 7579
Duplicates AA97	02/09/87	

Small Entity: No

Agency Contact: Conley Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 6th Floor Broyhill, US Fish and Wildlife Service, Washington, DC 20240, 703 235-1526

RIN: 1018-AB00

1102. ALASKA NATIONAL WILDLIFE MONUMENTS

Legal Authority: 16 USC 432; 16 USC 742(f); 16 USC 460(k)(3); Presidential Proclamations of 12/1/78 (43 FR 57009); 16 USC 3101

CFR Citation: 50 CFR 96 to 106

Legal Deadline: None.

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife

Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	06/28/79	44 FR 37754
ANPRM Comment Period End	07/31/86	51 FR 25377
Withdrawn	12/12/86	51 FR 44812

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979. Originally scheduled: July 1979.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018–AA55

1103. ALASKA NATIONAL WILDLIFE MONUMENTS: MINERALS MANAGEMENT

Legal Authority: 16 USC 432; 16 USC 742(f); 30 USC 21 et seq; Presidential Proclamations of 12/1/78 (43 FR 57019, 57119); 30 USC 612; 16 USC 3101

CFR Citation: 50 CFR 107

Legal Deadline: None.

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	01/11/80	45 FR 2616
Withdraw Proposed Rules	04/30/86	51 FR 16083
Withdrawn	12/12/86	51 FR 44812

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980. Originally scheduled: January 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018–AA56

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-55-T

DEPARTMENT OF THE INTERIOR (DOI) Prerule Stage

National Park Service (NPS)

1104. ● APPLICABILITY AND SCOPE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 1.2; 36 CFR

Legal Deadline: None.

Abstract: The Service intends to make minor administrative changes to eleven general regulations to clarify their applicability on non-Federal lands under the legislative jurisdiction of the United States.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Andy Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1360

RIN: 1024–AB64

1105. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None.

Abstract: This rule will define the Statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709

Next Action Undetermined

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 242-4916

RIN: 1024–AA07

1106. ● APPRAISAL AUTHORITY UNDER THE LAND AND WATER CONSERVATION FUND STATE GRANT PROGRAM

Legal Authority: 42 USC 4601; 42 USC 4633

CFR Citation: 41 CFR 114-50

Legal Deadline: None.

Abstract: Currently, appraisals of land acquisitions supported by Land and Water Conservation Fund State Grants must be reviewed by the National Park Service if they are estimated at $100,000 or more. The National Park Service will examine whether this is an appropriate threshold given the administrative burden placed on the States and the potential for abuse of the program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Sam Hall, Chief of Recreation Grants Division, Department

of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-3700

RIN: 1024–AB68

1107. NATIONAL PARK SERVICE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1489; 48 CFR 1452.289; 48 CFR 1453.2; 48 CFR 1453.3

Legal Deadline: None.

Abstract: The proposed regulation would establish Bureau-specific solicitation provisions, contract clauses and prescriptions for their use. These are necessary to supplement and implement the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation. This will provide standard contractual language for provisions and clauses not otherwise available in the Federal or Interior regulations that are needed by our operational contracting activities. This action should result in cost savings as this development and standardization will relieve the individual contracting activities of the responsibility of developing their own.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Lawrence E. Sawler, Chief, Acquisition and Assistance, System Branch, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 523-5021

RIN: 1024–AB35

DEPARTMENT OF THE INTERIOR (DOI) Proposed Rule Stage

National Park Service (NPS)

1108. UPPER DELAWARE SRR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This regulation pertains to the Upper Delaware Scenic and Recreation River in New York State. The final regulations published on June 30, 1983 prohibit certain fishing methods that are allowed by New York State law. This proposed regulation would authorize fishing in any manner consistent with existing State law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7075

RIN: 1024–AA87

1109. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None.

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, 304 535-2346

RIN: 1024–AB07

1110. YELLOWSTONE NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None.

Abstract: The Service proposes to revise existing Fishing Regulations that pertain to Yellowstone National Park. The purposes of this revision are to simplify the regulations and to improve the Service's ability to manage Fishery Resources by species.

Timetable:

Action	Date	FR Cite
NPRM	02/17/87	52 FR 4784
NPRM Comment Period End	03/19/87	52 FR 4784
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Gary Brown, Assistant Chief Ranger, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone NP, WY 82190, 307 344-7381

RIN: 1024–AB57

1111. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None.

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Brian McHugh, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, Ohio 44141, 216 526-5256

RIN: 1024–AB44

1112. CANYON DE CHELLY NATIONAL MONUMENT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None.

Abstract: This proposed rulemaking will establish criteria for the operation

of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024-AB47

1113. ● HAWAII VOLCANOES NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.25

Legal Deadline: None.

Abstract: The Service is proposing to revise the fishing regulations that pertain to Hawaii Volcanoes National Park to clarify provisions that address Native Hawaiian fishing rights in the Kalapana extension area of the Park.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: David Ames, Superintendent, Hawaii Volcanoes National Park, Department of the Interior, National Park Service, Hawaii 96718-0052, 808 967-7311

RIN: 1024-AB66

1114. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None.

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA94

1115. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None.

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, 919 473-2111

RIN: 1024-AB54

1116. ROCKY MOUNTAIN NP: MOUNTAIN CLIMBING AND WINTER USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None.

Abstract: This Service proposes to delete the mandatory registration system required for technical mountain climbing or winter backcountry use at Rocky Mountain National Park. This requirement has not proven effective in providing notification of overdue parties in this area and has hampered rather than supported search and rescue programs.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3285
NPRM Comment Period End	03/05/87	52 FR 3285
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024-AB16

1117. ROCKY MOUNTAIN NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7(a)

Legal Deadline: None.

Abstract: The service proposes to revise this section to further define waters closed to fishing as well as to further clarify the possession limit of fish.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: David R. Stevens, Research Biologist, Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO 80517, 303 586-2371

RIN: 1024-AB46

1118. ● ROCKY MOUNTAIN NATIONAL PARK: TRUCKING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None.

Abstract: The Service proposes to revise regulations that address permit requirements and establish a fee schedule for commercial trucks that use Trail Ridge Road within Rocky Mountain National Park.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: David Essex, Chief Ranger, Rocky Mountain National Park, Department of the Interior, National Park Service, Estes Park, CO 80517, 303 586-2371

RIN: 1024-AB67

1119. DELAWARE WATER GAP NRA: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.71

Legal Deadline: None.

Abstract: Final regulations published June 30, 1983 in the Federal Register prohibit several fishing methods that are authorized by State laws in Pennsylvania and New Jersey. This proposed regulation affects the Delaware Water Gap National Recreation Area and would allow fishing in any manner consistent with the State laws of Pennsylvania and New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4511
NPRM Comment Period End	03/16/87	52 FR 4511
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA98

1120. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Legal Deadline: None.

Abstract: The Service proposes to revise the hunting regulations that apply to the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024-AB48

1121. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None.

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable state law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024-AB61

1122. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None.

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA89

1123. MANAGEMENT OF MINING CLAIM ACTIVITIES

Legal Authority: 16 USC 3 et seq NPS Organic Act; 16 USC 1901 et seq Mining in the Parks Act of 1976

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline: None.

Abstract: As mandated by the "Mining In The Parks Act of 1976," the NPS promulgated its existing regulations to assure that operations on valid mining claims within units of the National Park System are conducted so as to prevent or minimize damage to park resources. The experience gained by the application of these regulations over the past eight years indicates that certain adjustments are now necessary to clarify and simplify the existing regulatory language and to improve the management of mineral resources within NPS units. Specifically, several sections of the current regulations either have proven difficult to interpret or pertain to a surface disturbance moratorium that expired in 1980 thus rendering them obsolete.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/84	49 FR 29415
ANPRM Comment Period End	08/20/84	49 FR 29415
30 day extension to ANPRM comment period to	09/20/84	
NPRM	06/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, Room 3223 (480), Box 37127, Washington, DC 20013-7127, 202 343-4360

RIN: 1024-AB37

1124. NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Legal Deadline: None.

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: William Tanner, Staff Park Ranger, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AB18

1125. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None.

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-1178

RIN: 1024–AA80

1126. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None.

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: Draft rules have been prepared and circulated for comment to Bureaus in the Department of the Interior. Following review and approval within the Department, the rules will be sent to other Federal Agencies for comment.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AA49

1127. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None.

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally-owned prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), the National Historic Preservation Act of 1966 (as amended) and the Archaeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements with repositories and other parties for the care and management of collections; and (c) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: Draft rules have been prepared and circulated for comment to Federal and State Historic Preservation Officers, to a cross-section of repositories holding Federally owned collections, to State Archeologists, to national museum and archeological organizations, to national American Indian organizations, and others. Based on the comments received, the draft rule is being revised.

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AB13

1128. CEMETERY SITES AND HISTORICAL PLACES

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Legal Deadline: None.

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024–AA84

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Final Rule Stage

1129. VEHICLES AND TRAFFIC SAFETY

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 4

Legal Deadline: None.

Abstract: The service proposes to review and revise the regulations in this part, which has not undergone major revision since 1966. Revisions are expected, at a minimum, to reflect the abolishment of management categories, to provide for consistency with state vehicle codes and to strengthen the regulation pertaining to driving under the influence of alcohol or drugs.

Timetable:

Action	Date	FR Cite
NPRM	06/16/86	51 FR 21840
NPRM Comment Period End	08/15/86	51 FR 21840
Final Action	03/00/87	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB06

1130. ● DISCRIMINATION IN EMPLOYMENT PRACTICES AND FURNISHING PUBLIC SERVICES

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 5.8; 36 CFR 5.9

Legal Deadline: None.

Abstract: The Service intends to update these two regulations to reflect provisions of existing nondiscrimination statutes and Executive Orders, although the standard provisions of contracts issued by the Service reflect current nondiscrimination policies, these regulations were not revised as new statutory provisions were enacted.

Timetable:

Action	Date	FR Cite
Final Action	04/01/87	

Small Entity: Yes

Agency Contact: David Gackenbach, Chief, Concessions Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-8953

RIN: 1024-AB65

1131. FIRE ISLAND NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Timetable:

Action	Date	FR Cite
NPRM	07/25/83	48 FR 33722
Final Action	03/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1981.

Agency Contact: Len Frank, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-3765

RIN: 1024-AA14

1132. SHENANDOAH NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.15

Legal Deadline: None.

Abstract: The service proposes to revise regulations at Shenandoah National Park, VA pertaining to Fishing Seasons, Creel Limits, Equipment Restrictions and Stream Closures.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	51 FR 35009
NPRM Comment Period End	10/31/86	51 FR 35009
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Larry Hakel, Chief Ranger, Department of the Interior, National Park Service, Shenandoah National Park, Route 4, Box 292, Luray, VA 22835, 703 999-2243

RIN: 1024-AB51

1133. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None.

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and Conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by Congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA96

1134. BLUE RIDGE PARKWAY: COMMERCIAL VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.34(f),(g)

Legal Deadline: None.

Abstract: The Service proposes to delete these two sections which are duplicated by provisions found in 36 CFR parts 1 and 5.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28107
NPRM Comment Period End	09/04/86	51 FR 28107
Final Action	04/00/87	

Small Entity: No

Agency Contact: Gary Everhardt, Superintendent, Department of the Interior, National Park Service, 700 Northwestern Bank Bldg., Asheville, NC 28801, 704 259-0351

RIN: 1024-AB36

1135. BUFFALO NATIONAL RIVER: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.35

Legal Deadline: None.

Abstract: The proposed rule will allow fishing activities within Buffalo National River to continue in the traditional manner. It will permit gigging of rough fish, noncommercial capture of bait fish using traps or seines, and fishing with set lines or troutlines. It will also allow the possession and collection of terrestrial and aquatic insects by hand or hand-held net for use as bait. It will allow the possession and collection by hand-held net or seine of crayfish for consumption or bait.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37201
NPRM Comment Period End	11/19/86	51 FR 37201
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB49

1136. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None.

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: James L. Isenogle, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, 504 589-3882

RIN: 1024–AB33

1137. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None.

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Final Action	06/00/87	

Small Entity: No

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AB10

1138. LAKE MEAD NATIONAL RECREATION AREA: NOISE ABATEMENT EXEMPTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48(i)

Legal Deadline: None.

Abstract: The proposed rulemaking pertains to Lake Mead National Recreation Area, located in Arizona and Nevada. It would allow motor vessels to exceed existing noise limitations while participating in regattas; thereby, making possible the continuation of a traditional activity.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51866
NPRM Comment Period End	01/21/86	50 FR 51866
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Newton Sikes, Chief Ranger, Department of the Interior, National Park Service, 601 Nevada Hwy., Boulder City, NV 89005, 702 293-9041

RIN: 1024–AB50

1139. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None.

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	04/00/87	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB19

1140. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None.

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	04/00/87	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB28

1141. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None.

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National Park Service, PO Box 458, Ft. Smith, MT 59035, 406 666-2412

RIN: 1024-AB63

1142. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None.

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA71

1143. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None.

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Final Action	08/15/87	
Final Action Effective	09/15/87	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9500

RIN: 1024-AA44

1144. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None.

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Final Action	08/15/87	
Final Action Effective	09/15/87	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9539

RIN: 1024-AA46

1145. ARCHEOLOGICAL RESOURCES PROTECTION ACT DEPARTMENT OF THE INTERIOR SUPPLEMENTAL REGULATIONS

Legal Authority: 16 USC 470aa et seq

CFR Citation: 43 CFR 7(b)

Legal Deadline: None.

Abstract: This rule supplements the uniform regulations in 43 CFR Part 7 which implement the Archeological Resources Protection Act. This rule adds a Subpart B and redesignates the uniform rule as Subpart A. The rule in Subpart B, for the Department of the Interior, provides supplemental definitions, procedures for determining loss or absence of archeological interest regarding certain material remains, detail on permitting for Indian lands, procedures for permit appeals and disputes, and supplemental civil penalty procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	50 FR
NPRM Comment Period End	01/13/86	50 FR 4073
Final Action	03/00/87	

Small Entity: No

Agency Contact: Bennie C. Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024-AA83

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

National Park Service (NPS)

1146. CRITERIA FOR DETERMINATIONS OF ADVERSE IMPACT UNDER SECTION 165(D)(2)(C)(II) AND (III) OF THE CLEAN AIR ACT

Significance: Regulatory Program

Legal Authority: 42 USC 7475(d)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Under the Clean Air Act, the Department of the Interior, as Federal Land Manager, has the affirmative responsibility to protect the air quality related values of its class 1 areas and to consider whether proposed new major sources of air pollution will have an adverse impact on these values. The Department has developed and applied "working" criteria for making adverse impact determinations in several cases since 1982. Both industry and environmental groups have commented on the "working" criteria and requested further rulemaking action on the criteria. In response to these requests, this rulemaking action would solicit public input on the working definitions as well as related technical and legal issues.

The Notice of Intent will ask several questions. The answers to these questions will be useful in determining alternatives and potential costs and benefits.

Timetable:

Action	Date	FR Cite
No regulatory action to be taken.	02/27/87	

Small Entity: Undetermined

Additional Information: This action is carried as RIN 1093-AA02 in the Regulatory Program of the United States Government.

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, National Park Service, Air Quality Division, 18th & C Streets, NW, Room 3021, Washington, DC 20240, 202 343-4911

RIN: 1024-AB40

1147. GENERAL PROVISIONS RESOURCE PROTECTION, PUBLIC USE AND RECREATION BOATING AND WATER USE ACTIVITIES

Legal Authority: 16 USC 1; 16 USC 1a to 2(h); 16 USC 3

CFR Citation: 36 CFR 1; 36 CFR 2; 36 CFR 3

Legal Deadline: None.

Abstract: The Service completed a major revision of these regulations in April 1984. A thorough review of the regulations will be conducted after the 1984 visitor use season, leading to minor revisions and further refinements.

Timetable:

Action	Date	FR Cite
NPRM	06/03/86	51 FR 19858
NPRM Comment Period End	07/03/86	51 FR 19858
Final Action	08/18/86	51 FR 29469
Final Action Effective	09/17/86	51 FR 29469

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB09

1148. WILDLIFE PROTECTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 2.2

Legal Deadline: None.

Abstract: This rulemaking is an administrative change to remove expired material from the National Park Service General Regulation pertaining to authorized trapping activities.

Timetable:

Action	Date	FR Cite
NPRM	07/15/86	51 FR 25576
NPRM Comment Period End	08/14/86	51 FR 25576
Final Action	09/19/86	51 FR 33263
Final Action Effective	10/20/86	51 FR 33263

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Branch of Ranger Activities, Department of the Interior, National Park Service, PO Box 37127, Washington, DC 20013-7127, 202 343-1360

RIN: 1024-AB62

1149. NEW RIVER GORGE NR: HUNTING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: The regulation pertains to the New River Gorge National River located in West Virginia. This regulation would allow hunting on those lands and waters administered by the National Park Service as part of the New River Gorge National River area. This regulation is consistent with the park enabling legislation.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA86

1150. NEW RIVER GORGE NR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This regulation pertains to the New River Gorge National River located in West Virginia. The final regulations published on June 30, 1983 prohibit certain fishing methods and the taking of certain species that are allowed by the laws of West Virginia. This regulation would authorize the use of those fishing methods and the taking of those fish species consistent with West Virginia law.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National

Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024–AA88

1151. CANAVERAL NATIONAL SEASHORE: PUBLIC NUDITY REGULATION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: The Service proposes to establish restrictions on Public Nudity at Canaveral National Seashore, Florida. The Service's intention is to adopt State and local restrictions that apply in the same area.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: Arthur Graham, Superintendent, Canaveral National Seashore, Department of the Interior, National Park Service, P.O. Box 6447 onal Seashore, Titusville, FL 32782, 305 867-0634

RIN: 1024–AB52

1152. LAKE MEREDITH RECREATION AREA - FIREARMS REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.57

Legal Deadline: None.

Abstract: This proposal pertains to Lake Meredith Recreation Area, Texas. The Service proposes to allow organized groups to use the Spring Canyon Firing Range for target practice at designated times and periods in the presence of a qualified Range Officer. This proposal is consistent with National Park Service General Regulations and Policies.

Timetable:

Action	Date	FR Cite
Withdrawn Action on this proposal postponed.	01/22/87	

Small Entity: Undetermined

Agency Contact: John C. Higgins, Superintendent, Department of the Interior, National Park Service, P.O. Box 1438, Fritch, Texas 79036, 806 857-3151

RIN: 1024–AB56

1153. ROCKY MOUNTAIN NP: WINTER BACKCOUNTRY TRIPS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7(e)

Legal Deadline: None.

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (e) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks that do not require check out for overnight winter camping.

Timetable:

Action	Date	FR Cite
Withdrawn Combined with another rulemaking (RIN 1024-AB16)	01/09/87	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024–AB17

1154. DELAWARE WATER GAP NATIONAL RECREATION AREA: COMMERCIAL VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.71

Legal Deadline: None.

Abstract: The Service proposes to revise Commercial Vehicle Regulations at Delaware Water Gap NRA to reflect Statutory Provisions which went into effect in 1986.

Timetable:

Action	Date	FR Cite
Final Action	11/07/86	51 FR 40418
Final Action Effective	12/08/86	51 FR 40418

Small Entity: Undetermined

Agency Contact: William Supernaugh, Chief, Branch of Ranger Activities, Department of the Interior, National Park Service, 143 South Third St., Philadelphia, PA 19106, 215 597-7057

RIN: 1024–AB53

1155. BUCK ISLAND REEF NM: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Legal Deadline: None.

Abstract: This proposed regulation pertains to Buck Island Reef National Monument and would establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA93

1156. BUCK ISLAND REEF NM: SUBMERGED FEATURES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Legal Deadline: None.

Abstract: This regulation pertains to Buck Island Reef National Monument and would protect coral formations from damage by park visitors.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA97

1157. VIRGIN ISLANDS NP: BOATING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Legal Deadline: None.

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish a permit system relating to mooring of boats, length of stay and other criteria.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AB00

1158. VIRGIN ISLANDS NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Legal Deadline: None.

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AB01

1159. PADRE ISLAND NATIONAL SEASHORE: HUNTING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.75(b)

Legal Deadline: None.

Abstract: The service proposes to revise this section to further define where hunting is allowed and how duck blinds may be used.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21389
NPRM Comment Period End	07/14/86	51 FR 21389
Final Action	10/07/86	51 FR 35647
Final Action Effective	11/06/86	51 FR 35647

Small Entity: No

Agency Contact: William M. Lukens, Jr., Superintendent, Padre Island National Seashore, Department of the Interior, National Park Service, 9405 South Padre Island Drive, Corpus Christi, TX 78418, 512 937-2621

RIN: 1024–AB22

1160. WHISKEYTOWN NATIONAL RECREATION AREA PARASAILING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None.

Abstract: The Service is proposing to restrict parasailing activities at Whiskeytown National Recreation area in the interest of public safety.

Timetable:

Action	Date	FR Cite
Withdrawn - Action on proposal postponed	01/29/87	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024–AB60

1161. NATIONAL CAPITAL REGION: SPECIAL REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50; 36 CFR 7.96; 36 CFR 7.99

Legal Deadline: None.

Abstract: This deletion affects National Capital Region. Part 50 will be deleted and regulations peculiar to this region will be incorporated in revisions to Part 7. 7.96 will address special regulations in those NPS areas within the District of Columbia. 7.99 will address special regulations in NPS areas in the District of Columbia, Maryland and Virginia. The National Capital Region will then use the same general regulations as the rest of the NPS.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51782
NPRM Comment Period End	02/18/86	50 FR 51782
Final Action	10/17/86	51 FR 37008
Final Action Effective	11/17/86	51 FR 37008

Small Entity: No

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive, SW, Washington, DC 20242, 202 426-6658

RIN: 1024–AB29

1162. MINERALS MANAGEMENT NONFEDERAL OIL AND GAS RIGHTS

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9B

Legal Deadline: None.

Abstract: Several sections of the regulations were ambiguously written which has caused confusion in interpreting the existing regulations during site specific implementation. NPS wants to make technical revisions to clarify requirements for both applicants and the NPS, such as: updating terms for consistency with existing policies and practices; setting bond limits consistent with existing reclamation costs; allowing NPS to collect administrative fees for issuing permits consistent with cost reimbursement requirements of Congressional and Executive direction; clarifying compliance issues associated with different access conditions; and, making the regulations applicable to all non-federal oil and gas operations within affected units of the NPS consistent with the enabling acts of affected units.

These are technical revisions to the regulations governing non-federal oil and gas activities within affected units of the National Park System. The existing authorities are 16 U.S.C. 1, et seq. and 31 U.S.C. 9701, 5 U.S.C. 301; and enabling legislation of the affected units.

Timetable:

Action	Date	FR Cite
Rule has been cancelled	02/27/87	

Small Entity: Undetermined

Agency Contact: Carol McCoy, Chief, Branch of Policy and Regulations, Department of the Interior, National Park Service, P.O. Box 37127 (480) Room 3223, Washington, DC 20013-7127, 202 343-4650

RIN: 1024-AB39

1163. MINERALS MANAGEMENT NONFEDERAL RIGHTS OTHER THAN OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9C

Legal Deadline: None.

Abstract: Extensive nonfederal mineral rights exist within units of the National Park System. Two hundred twenty-four park units contain privately owned mineral rights totaling over 5.9 million acres and 96 park units contain split estates (surface is federally owned and the subsurface is privately owned) totaling 1.2 million acres. The extent of the minerals associated with nonfederal mineral rights is less well defined. Currently, few nonfederal mineral rights, other than oil and gas, are being developed within NPS units. The Service expects this relatively inactive development trend to continue. However, when such rights are proposed for development, the Service is charged by Congress to ensure that approved activities within park boundaries are consistent with the purposes for which the units were established. The proposed regulation would establish procedures and standards for the exercise of nonfederal mineral rights, for minerals other than oil and gas, to ensure that development activities are conducted in a manner to protect affected park units until such time the Service has sufficient funds to acquire the mineral right.

Timetable:

Action	Date	FR Cite
Withdrawn - Delete, rule has been cancelled	01/00/87	

Small Entity: Undetermined

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, P.O. Box 37127 (480) Room 3223, Washington, DC 20013-7127, 202 343-4650

RIN: 1024-AB55

1164. NATIONAL NATURAL LANDMARKS

Legal Authority: Historic Sites Act of 1935

CFR Citation: 36 CFR 62.5

Legal Deadline: None.

Abstract: Revision to the National Natural Landmarks Program national significance criteria is proposed to clarify the language and sharpen the definition. Revised criteria will better enable the National Park Service to make precise decisions about additions to the National Registry of Natural Landmarks, as well as better communicate the concept of national significance to the public. The alternative to this proposed action is to leave the present regulation 36 CFR 62.5 as it is. There are no perceived costs associated with this proposed rule revision.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16349
NPRM Comment Period End	06/02/86	51 FR 16349
Final Action	02/23/87	52 FR 5458
Final Action Effective	03/25/87	52 FR 5458

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Hardy Pearce, Chief, National Natural Landmarks Branch, Department of the Interior, National Park Service, 413 Interagency Resources Division, P.O. Box 37127, Washington, DC 20013-7127, 202 343-9500

RIN: 1024-AB41

1165. TRANSPORTATION AND UTILITY SYSTEMS IN ALASKA

Legal Authority: 16 USC 3161

CFR Citation: 43 CFR 36

Legal Deadline: None.

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	48 FR 32506
Final Action	09/04/86	51 FR 31619
Final Action Effective	10/06/86	51 FR 31619

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: Brian Koula, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-7957

RIN: 1024-AA58

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-70-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Prerule Stage

1166. INDIAN EDUCATION POLICIES

Significance: Regulatory Program

Legal Authority: 25 USC 2010; 25 USC 2013

CFR Citation: 25 CFR 32

Legal Deadline: None.

Abstract: Policy statements under this part are generally broad, rhetorical, and nonmeasurable. The revision will address the strengthening of the policies that seemed unmeasurable, conflicting and needed clarification.

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Timetable:

Action	Date	FR Cite
Consultation with tribes	03/00/87	
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	

Small Entity: Undetermined

Agency Contact: Dolores Edwards, Staff Assistant, OIEP, Department of the Interior, Bureau of Indian Affairs, Rm. 3530-Main Int., 18th & C Streets, NW, Washington, DC 20245, 202 343-3151

RIN: 1076-AB64

1167. REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Legal Authority: PL 85-154

CFR Citation: 25 CFR 75

Legal Deadline: None.

Abstract: This rule, which is subject to review, governed the revision authorized by the Act of August 21, 1957, Pub. L. 85-154, (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518). The rule also provides procedures for maintaining a current membership roll. This Part has been redesignated from 25 CFR Part 47.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/87	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB54

1168. REGULATIONS FOR PRO RATA SHARES OF TRIBAL FUNDS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 112

Legal Deadline: None.

Abstract: Procedures and criteria for filing application for pro rata share of tribal funds. No alternatives are under active consideration. Regulations will be reviewed for any necessary updates, clarity, etc. No cost or benefit estimates applicable at this time.

Timetable:

Action	Date	FR Cite
End Review	07/00/87	

Small Entity: Undetermined

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2663

RIN: 1076-AB65

1169. DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 121

Legal Deadline: None.

Abstract: 25 CFR 121 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

The regulations in this part govern the distribution, pursuant to the act of October 27, 1972, of judgement funds awarded to the Osage Tribe of Indians of Oklahoma.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/87	
End Review	12/00/87	

Small Entity: No

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Room 4513, Main Interior, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2663

RIN: 1076-AB66

1170. PROCEDURES FOR DEPOSITING FUNDS TO THE CREDIT OF 14X6140-DEPOSITS OF PROCEEDS OF LANDS WITHDRAWN FOR NATIVE SELECTION, BIA

Legal Authority: PL 94-204, 89 Stat. 1146; 43 USC 1613; 94 Stat. 2371

CFR Citation: 25 CFR 124, (Revision)

Legal Deadline: None.

Abstract: Provide up to date and correct deposit procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, Room 4604, Main Interior, 18th & C Sts., NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB67

1171. LAND RECORDS AND TITLE DOCUMENTS

Legal Authority: 25 USC 5; 25 USC 9

CFR Citation: 25 CFR 150; 43 CFR 4

Legal Deadline: None.

Abstract: This regulation will be reviewed with only minor changes expected due to a realignment of responsibilities concerning our title plants. This rule sets forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/87	
End Review	12/31/87	

Small Entity: No

Agency Contact: Joseph Donahue, Acting Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB68

DOI—BIA

Prerule Stage

1172. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226; 25 CFR 2

Legal Deadline: None.

Abstract: The regulations in this part provide procedures and processes for oil and gas mining leasing of Osage Reservation lands. Changes are being considered.

Timetable:

Action	Date	FR Cite
End Review	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB79

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1173. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Legal Deadline: None.

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Anne Bolton, Management Analyst, Department of the Interior, Bureau of Indian Affairs, Room 320 - Interior South, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4689

RIN: 1076-AB21

1174. LAW ENFORCEMENT EXPENDITURES

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is developing a rule prohibiting the expenditure of Bureau of Indian Affairs law enforcement funds in those areas of Indian country where there is state jurisdiction over criminal offenses committed by or against Indians.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: James P. Donovan, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Room 1342, Code 430, Washington, DC 20245, 202 343-5786

RIN: 1076-AB97

1175. THE INDIAN POLICE

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is revising its regulations governing the Bureau's police operations to make them consistent with contemporary enforcement policies and procedures and changes in the Interior Department Manual and the DIA Manual.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: James P. Donovan, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Room 1342, Code 430, Washington, DC 20245, 202 343-5786

RIN: 1076-AB98

1176. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None.

Abstract: The Bureau is developing a quality assurance system for inclusion in 25 CFR 20. The system would provide for an ongoing evaluation of the administration of the Bureau's general assistance program in accordance with established Bureau policies and procedures. The rulemaking actions will complete an earlier initiative to develop a quality assurance system which began in a previous rulemaking action with regard to the implementation of the provisions of Public Law 98-473.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Larry R. Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6434

RIN: 1076-AB92

1177. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None.

Abstract: The Bureau is amending existing Financial Assistance and Social Services Program regulations to further define the adult care services provided to Indian people. These proposed regulations define the extent of the program, establish eligibility requirements, and establish adult care services as a social services program separate and distinct from the general assistance program. The Bureau is also amending miscellaneous assistance provisions to conform with the congressional directive in Public Law 98-473. Miscellaneous assistance will be revised and defined as burial assistance. Emergency assistance previously provided under miscellaneous assistance has been transferred to general assistance by revision of CFR 20(c) on September 30, 1985.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	05/01/87	
Final Action	07/01/87	

Small Entity: Undetermined

Agency Contact: Larry R. Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-6434

RIN: 1076-AB99

1178. CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Legal Deadline: None.

Abstract: This rule is being proposed for removal.

The rule governed the contracting by missions, associations and other eleemosynary institutions for care of Indian children who resided within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Proposed removal	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Larry Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Code 450 - Room 312 South, Washington, DC 20245, 202 343-6434

RIN: 1076-AB76

1179. FEDERAL SCHOOLS FOR INDIANS (REVISION)

Legal Authority: 34 Stat. 1018; 35 Stat. 783; 40 Stat. 564; 25 USC 288; 25 USC 289

CFR Citation: 25 CFR 31, (Revision)

Legal Deadline: None.

Abstract: The purpose of the proposed revision is to define the various types of schools funded by the Bureau and to clarify and define eligibiltiy for non-Indian and Indian children of less than one-fourth blood who wish to attend Bureau-funded day and boarding schools. This proposed revision will also address criteria by which these students may attend Bureau-funded schools and tuition payments related thereto. Costs related to this part will be assumed by the public school district in the form of tuition payments, at no cost to the Bureau. Tuition fees charged will be comparable to but will not exceed the tuition cost charged by the State or County in which the Bureau school is located.

Timetable:

Action	Date	FR Cite
NPRM	05/30/87	
NPRM Comment Period End	07/31/87	
Final Action	09/30/87	

Small Entity: No

Additional Information: Section 31.3 was revised separately and published as a proposed rule. The passage of Pub. L. 99-228 supercedes that earlier revision and the conditions under which non-eligible students may attend Bureau-funded schools are incorporated in the current revision.

Agency Contact: Elizabeth Holmgren, Education Specialist, Branch of Elementary and Secondary Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20240, 202 343-4071

RIN: 1076-AB47

1180. EDUCATION PERSONNEL

Significance: Agency Priority

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Legal Deadline: None.

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Undetermined

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB02

1181. INDIAN SCHOOL EQUALIZATION PROGRAM

Significance: Agency Priority

Legal Authority: PL 95-561; 25 USC 2008

CFR Citation: 25 CFR 39, (Revision)

Legal Deadline: None.

Abstract: This rule, which contains the funding mechanism for Bureau operated and contract elementary and secondary schools, has been reviewed and will be revised when academic and dormitory standards are finalized in 25 CFR Part 36.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AA09

1182. THE INDIAN SCHOOL EQUALIZATION PROGRAM (NEW SCHOOL STARTS, PROGRAM EXPANSIONS, SCHOOL CLOSURES, CONSOLIDATIONS, AND PROGRAM REDUCTIONS)

Significance: Regulatory Program

Legal Authority: 92 Stat 2320; 42 Stat 208

CFR Citation: 25 CFR 39, Sec 22

Legal Deadline: None.

Abstract: The addition of regulations for "School Closures and Consolidations" will address a uniform procedure for school closure and consolidation in the Bureau-operated and funded schools. The new rule would provide the Bureau advance planning time in the development of its future budgets. The companion regulation on new school starts and program expansions will appear at 25 CFR 271, Subpart H and are incorporated by reference in this Part.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	06/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB48

1183. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None.

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076-AA10

1184. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None.

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	

Small Entity: No

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AA11

1185. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None.

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	08/01/87	

Small Entity: No

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076-AA15

1186. ENROLLMENT APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 62

Legal Deadline: None.

Abstract: The regulations contained in 25 CFR Part 62 are general regulations that govern appeals from adverse enrollment actions. This rulemaking action will revise the regulations to clarify the purpose of the rule and to make general changes of an administrative nature including the elimination of sex-based and gender specific terminology. This Part has been redesignated from 25 CFR Part 42.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3592

RIN: 1076–AB95

1187. USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

Legal Authority: 5 USC 301; 87 Stat 466; 87 Stat 467; 87 Stat 468; 96 Stat 2512; 96 Stat 2513; 96 Stat 2514

CFR Citation: 25 CFR 87

Legal Deadline: None.

Abstract: The regulations govern the preparation of proposed plans for the use or distribution of all judgment funds awarded to Indian tribes and groups by the Indian Claims Commission, the United States Court of Claims or the United States Claims Court, excepting any tribe or group whose trust relationship with the Federal Government has been terminated and for which there exists legislation authorizing the disposition of its judgment funds; and of all funds deriving from judgments entered prior to the date of the Act for which there has been no enabling legislation. The regulations are being revised to eliminate gender-specific terminology, incorporate the provisions of the Act of January 12, 1983 and for clarification. The revisions will make the regulations current to existing laws and should enable parties affected to more easily understand the regulations. The proposed revisions are a result of a review of the rules completed on July 16, 1984.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: The proposed revisions to 25 CFR 87 have necessitated minor technical revisions to 25 CFR 115 which will be processed in conjunction with the proposed rule.

Agency Contact: John A. Shapard, Branch Chief, Acknowledgment & Research, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3568

RIN: 1076–AB20

1188. ● LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Legal Deadline: None.

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5367

RIN: 1076–AC00

1189. ● REVOLVING CATTLE POOL

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 102

Legal Deadline: None.

Abstract: This program was transferred to the Bureau of Indian Affairs in the 1950's and is currently inactive. There have been no funds appropriated for the program; therefore, this part is proposed for removal. The terms and conditions of loans of cattle by the United States government to tribes, tribal corporations or tribal members were prescribed in 25 CFR 102. The loans consisted of cattle repayable in kind or assignment of cattle under specific agreements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5367

RIN: 1076–AC02

1190. ● LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Legal Deadline: None.

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Street, NW, Washington, DC 20240, 202 343-3657

RIN: 1076–AC01

1191. ANNUITY AND OTHER PER CAPITA PAYMENTS

Legal Authority: 5 USC 301; PL 98-64

CFR Citation: 25 CFR 111, (Revision)

Legal Deadline: None.

Abstract: Procedures will describe standards by which per capita payments to Indians out of Tribal Trust Revenue may be made by either the Secretary of the Interior or by Tribal governments.

Information on cost or benefits, if applicable, is unknown at this point.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Barbara Davis, Trust Fund Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB45

1192. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None.

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
Revise regulations for Exception Criteria	01/31/87	
NPRM	03/31/87	
Final Action	09/30/87	

Small Entity: Undetermined

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB91

1193. MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Significance: Agency Priority

Legal Authority: 86 Stat 1295

CFR Citation: 25 CFR 122

Legal Deadline: None.

Abstract: The implementing rule for 25 CFR 122 has been reviewed and a determination was made that the portion of the regulations governing socio-economic programs is no longer needed. The rule will be revised to remove that portion of the program.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AB51

1194. LAND ACQUISITIONS

Legal Authority: PL 97-459

CFR Citation: 25 CFR 151

Legal Deadline: None.

Abstract: The Bureau proposes to publish amendments to Part 151 dealing with acquisition of fractional interests in land. Simultaneously, this rule will be reviewed to determine if all provisions are current and up-to-date.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
End Review	12/00/87	

Small Entity: Undetermined

Additional Information: A recent District Court opinion has held that a portion of our Land Acquisition Regulations are unconstitutional. This decision is being appealed to the Supreme Court. Depending on outcome, these rules may have to be revised.

Agency Contact: Lee Maytubby, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-3837

RIN: 1076-AA81

1195. ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Significance: Agency Priority

Legal Authority: 25 USC 378 to 379; 25 USC 404 to 405; 25 USC 372 to 373; 25 USC 483; 25 USC 355; 25 USC 2201 to 2211

CFR Citation: 25 CFR 152

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs proposes to revise certain sections of 25 CFR 152 which involve the issuance of fee patents, removal of restrictions, certificates of competency and the sale of certain Indian land. These regulations preclude the sale and/or exchange of tribal land except through special authorized legislation. The Indian Land Consolidation Act, Public Law 97-459, enacted on January 12, 1983 and subsequently amended on October 30, 1984, enables Indian tribes to sell or exchange tribal land for the express purpose of consolidating tribal landholdings. The regulations are being revised to reflect the changes made by the legislation. In addition, the partitioning section is being revised for the purpose of clarification.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Undetermined

Agency Contact: Lee Maytubby, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, 202 343-3837

RIN: 1076-AB90

1196. NAVAJO GRAZING REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 167

Legal Deadline: None.

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d and 640d-28. The rule will form Subpart B of the Existing Navajo Grazing Regulations, which are redesignated as Subpart A of 25 CFR Part 167.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulation of 25 CFR 167 and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi partitioned lands on September 8, 1982. During the past year several meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo partitioned land in the regulations. The Navajo Tribe expressed the desire for separate regulations and Bureau has drafted a new regulation for Navajo Partitioned Land within the existing 25 CFR Part 167.

Agency Contact: Frank H. Khattat, Natural Resources Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-3959

RIN: 1076-AA33

1197. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Significance: Agency Priority

Legal Authority: 25 USC 13; 25 USC 318(a); PL 97-424, Sec 105(a)(3); 23 USC 109(o); 23 USC 112(b); 23 USC 114(c); 23 USC 202(a); 23 USC 204; 23 USC 217

CFR Citation: 25 CFR 170

Legal Deadline: None.

Abstract: Indian reservation road construction is funded from the Highway Trust Fund. Other provisions include a requirement for proper maintenance of roads, applications of the "Buy Indian" and Indian Self Determination Acts, and joint program management by the Secretaries of Interior and Transportation. These changes in the law make changes in regulations imperative. The no-action alternative would leave program managers with outdated guidelines. Cost of the action will be minimal and it imposes no burden on the public. Benefits will be a better ordered road construction and maintenance program on Indian reservations, greater management efficiency, and clarity of procedures for federal managers, legislators and tribal officials. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: James T. Ball, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6041

RIN: 1076-AB05

1198. ● COLORADO RIVER IRRIGATION PROJECT, ARIZONA

Legal Authority: 5 USC 301; 62 Stat. 273

CFR Citation: 25 CFR 175; 25 CFR 176; 25 CFR 177

Legal Deadline: None.

Abstract: This action consolidates Parts 175, 176 and 177 into Part 175 to provide consistent administration of the electric power portion (utilities) of the Colorado River, Flathead, and San Carlos irrigation projects, respectively, as well as other existing and future utilities within the Bureau of Indian Affairs. Additionally, new procedures are established for adjusting electric power rates and service fees, including public involvement in the rate setting process, and updating the policy, practices, and procedures of the utilities as needed. Part 175 would be retitled, "Electric Power Utilities" and Parts 176 and 177 would be removed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Samuel Miller, Water and Land Resources Officer, Division of Water and Land Resources, Department of the Interior, Bureau of Indian Affairs, 18th and C Street, NW, Washington, DC 20240, 202 343-4004

RIN: 1076-AC04

1199. ● LIFE ESTATES AND FUTURE INTERESTS

Significance: Agency Priority

Legal Authority: 25 USC 372; 25 USC 373; 25 USC 487; 25 USC 607; 25 USC 2201 to 2211

CFR Citation: 25 CFR 179

Legal Deadline: None.

Abstract: The proposed rule would add a new part 179 to Title 25 of the Code of Federal Regulations to set forth the authorities, policy, and procedures to be followed in the administration of life estates and future interests on Indian land. These regulations are being proposed to address the need for a clearly stated uniform policy. At the present time, there are no regulations dealing with life estates and future interests, even though these have become increasingly prevalent in the activities of Indians and the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Street, NW, Washington, DC 20240, 202 343-5473

RIN: 1076-AC06

1200. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None.

Abstract: This rule is being revised to insure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Not Applicable

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AB41

1201. LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING EXCEPT OIL AND GAS

Legal Authority: Sec. 3, 34 Stat. 543

CFR Citation: 25 CFR 214

Legal Deadline: None.

Abstract: This rule is being reviewed and updated to take account of changes in mineral market conditions, interest rates, and various aspects of the local situation on the Osage Reservation since the rule was originally published.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AB42

1202. HERITAGE PRESERVATION

Legal Authority: 16 USC 469; 16 USC 470aa; 16 USC 470f; 42 USC 1996

CFR Citation: 25 CFR 262

Legal Deadline: None.

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Timetable:

Action	Date	FR Cite
NPRM Subpart A	09/15/80	45 FR 60923
NPRM	10/30/87	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: George Farris, Chief, Environmental Services Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-6574

RIN: 1076-AA45

1203. CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT (SUBPART H - NEW SCHOOL STARTS AND PROGRAM EXPANSIONS)

Significance: Agency Priority

Legal Authority: 88 Stat. 2203; 42 Stat. 208

CFR Citation: 25 CFR 271

Legal Deadline: None.

Abstract: The purpose of the addition of the new rule "New Starts and Program Expansions," is to establish uniform application procedures and approval criteria for tribes seeking to operate new schools or to expand existing education programs through funding by the Indian School Equalization Formula. This rule would provide further clarification of the clause "adequate, free public school facilities" and refine existing criteria.

Timetable:

Action	Date	FR Cite
Hearings held with Indian leadership	08/00/86	
NPRM	03/00/87	
Final Action	07/00/87	

Small Entity: No

Additional Information: Adds a new Subpart H to 25 CFR 271.

Agency Contact: Elizabeth Holmgren, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts., NW, Washington, DC 20245, 202 343-4071

RIN: 1076-AB49

1204. SUBCHAPTER M — INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

Significance: Regulatory Program

Legal Authority: 25 USC 450 et seq; PL 98-250

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 276; 25 CFR 277; 25 CFR 278

Legal Deadline: None.

Abstract: Technical amendments to the Indian Self-Determination Act permit Indian tribes, by mutual agreement, to enter into grants, cooperative agreements and contracts with the Bureau of Indian Affairs. As there are no regulatory provisions for the award of grants or cooperative agreements, the regulations will be revised to include such awards, as well as make general revisions to simplify and clarify the regulatory provisions pertaining to the contractibility of the trust, administrative and legal service functions performed by the Bureau.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/31/88	

Small Entity: Undetermined

Additional Information: Individual regulatory actions for 25 CFR Parts 271, 272, 274, 276, 277 and 278 have been consolidated as one action in the semi-annual agenda and the Regulatory Planning Program. The regulatory identification number for Subchapter M in the Regulatory Planning Program is 1076-AB62 which now includes all previous regulatory actions identified under 1076-AA47, 1076-AA48, 1076-AA50, 1076-AA52, 1076-AA53, and 1076-AA54, respectively, for the 25 CFR Parts listed above.

Agency Contact: Jay T. Suagee, Chief, Division of Self-Determination, Office of Indian Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4796

RIN: 1076-AB62

1205. ● CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT

Significance: Agency Priority

Legal Authority: 25 USC 450f

CFR Citation: 25 CFR 271.54

Legal Deadline: None.

Abstract: Various procedures associated with the operation of the indirect cost system have imposed major difficulties on projecting funding

and the recovery of all indirect costs by tribal contractors. The Bureau is proposing to revise its regulations to reduce critical problems tribal contractors experience while operating under the indirect cost system. The proposed rule also will bring the procedure for funding tribal contractors fully in line with the intent of PL 93-638, Section 106(h). The proposed rule change will be effective for PL 93-638 contracts consummated or awarded under the Act on or after October 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Jay T. Suagee, Chief, Division of Self-Determination, Office of Tribal Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4796

RIN: 1076-AC05

1206. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR CONTRACTS AND GRANTS

Legal Authority: PL 93-638

CFR Citation: 25 CFR 276

Legal Deadline: None.

Abstract: This rule establishes the requirements for the uniform administration of contracts and grants to Indian Tribal Governments pursuant to P.L. 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40353
NPRM	12/01/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Peter Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3166

RIN: 1076-AA52

1207. SPECIAL GRANTS FOR ECONOMIC DEVELOPMENT AND CORE MANAGEMENT GRANTS TO SMALL TRIBES. SUBPART B - SPECIAL GRANTS FOR ECONOMIC DEVELOPMENT

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 276, Subpart B

Legal Deadline: None.

Abstract: Special Grants for Economic Development - Subpart B should be deleted from 25 CFR 276. With the enactment of Public Law 98-449 "Indian Financing Act Amendments" and the completion of appropriate revisions to 25 CFR 286, Indian Business Development Program, it will be possible to remove 25 CFR 276.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Woody Sneed, Financial Analyst, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-1401

RIN: 1076-AB94

1208. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None.

Abstract: This rule will activate an old grant program that has been granted appropriation authority since FY 1986. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	09/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Joe Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Trust and Economic Development, Division of Financial Assistance, Washington, DC 20240, 202 343-3657

RIN: 1076-AA55

1209. ● TRIBAL GAMING MANAGEMENT CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 81; 25 USC 415; 25 USC 301

CFR Citation: 25 CFR 287

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is proposing a new rule which establishes the requirements to be met and procedures to be followed to obtain approval of management contracts for tribal gaming enterprises. This action is necessary because the federal courts have held that such management contracts are null and void without Secretarial approval pursuant to 25 U.S.C. 81. The intended effect of this rule is to replace the administrative guidelines previously announced by the Bureau for approval of such contracts and to establish uniform minimum standards for the review and approval of all such gaming management contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Catherine Wilson, Staff Assistant, Office of the Assistant Secretary, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-4576

RIN: 1076-AC07

1210. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 861

CFR Citation: 48 CFR 1480

Legal Deadline: None.

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies

and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
Proposed	11/15/84	49 FR 45187
NPRM	03/01/87	
Final Action	09/01/87	

Small Entity: Yes

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3498

RIN: 1076-AA58

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Final Rule Stage

1211. SAFETY CODE COMPLIANCE

Significance: Regulatory Program

Legal Authority: 25 USC 2005(b)

CFR Citation: 25 CFR Not yet determined

Legal Deadline: None.

Abstract: Legislation in Public Law 95-561 (25 U.S.C. 2005(b)) requires the establishment of a central jurisdictional authority for the adoption, interpretation, administration and enforcement of Bureau-wide adopted codes and standards. The Bureau will develop standards by which to measure the quality of building construction and safety and will establish a central authority to perform oversight functions to assure adequate life and structural safety.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: Undetermined

Agency Contact: Pete Dexter, Safety Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, Field Safety Office, P.O. Box 2186, Albuquerque, NM 87103, 505 766-2863

RIN: 1076-AB61

1212. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: This Part is being revised to provide Courts of Indian Offenses with a complete and updated code of laws and to clarify the jurisdiction of those courts and their relationship to tribal governments and the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Final Action	06/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Joseph Little, Judicial Services Staff, Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5786

RIN: 1076-AA01

1213. ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 76

Legal Deadline: None.

Abstract: This rule governed the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is a continued need for this rule. However, the regulations do need to be revised. This rulemaking action will revise the regulations to make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology and to provide procedures for the preparation of a current roll to serve as the basis for the distribution of judgment funds. This Part has been redesignated from 25 CFR Part 48.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB59

1214. ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to .46

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also

provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive Federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	07/00/87	

Small Entity: No

Agency Contact: Frank Keel, Special Assistant, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 201, Washington, DC 20245, 202 343-1861

RIN: 1076-AB87

1215. RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs intends to amend several sections of its rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

Timetable:

Action	Date	FR Cite
Final Action	06/30/87	

Small Entity: No

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, 202 343-3611

RIN: 1076-AB89

1216. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None.

Abstract: The regulations in this Part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one Part. This Part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AA38

1217. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None.

Abstract: As a result of review, it has been determined that this Part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 225 and in the revisions to 25 CFR Part 211. This Part has been redesignated from 25 CFR Part 172.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Removal of rule	04/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AA39

1218. OPERATION, RECLAMATION AND CONSERVATION ON MINERAL LANDS

Legal Authority: 25 USC 380; 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477; 42 USC 4332

CFR Citation: 25 CFR 216

Legal Deadline: None.

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Final Action	06/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Div. of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AA40

1219. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Legal Deadline: None.

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to

enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Joseph Johnston, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AA82

1220. WIND RIVER RESERVATION GAME CODE

Legal Authority: 43 USC 1457; 25 USC 2; 25 USC 9; 64 Stat. 1262; 18 USC 1165; 16 USC 3371 to 3378; 15 Stat. 673; 5 USC 301

CFR Citation: 25 CFR 244

Legal Deadline: None.

Abstract: The interim rule will provide regulations governing hunting of big and small game on the Wind River Indian Reservation in Wyoming, to conserve, protect and increase the currently depleted populations. No alternative actions for addressing the problem are being considered. The program will be confined to a localized area, and economic effects will be relatively insignificant. Benefits will be conservation of existing populations through reduced hunting mortality. Costs for personnel and equipment to enforce the regulations are estimated at $235,000 for the first year and $200,000 annually thereafter, to be derived by reallocation of existing funding.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/84	49 FR 39306
Final Action	04/00/87	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Room 4555, Washington, DC 20245, 202 343-4088

RIN: 1076-AB43

1221. ● FRASER RIVER CONVENTION SOCKEYE AND PINK SALMON FISHERY

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 301

CFR Citation: 25 CFR 249

Legal Deadline: None.

Abstract: It is proposed that 25 CFR 249, Subpart B, Fraser River Convention Sockeye and Pink Salmon Fishery, be removed as a result of the United States and Canada entering into a new treaty on January 28, 1985, which terminated both the 1930 Convention and the International Pacific Salmon Fisheries Commission (IPSFC). Based on the 1985 treaty, there is no longer a need for this subpart. In 1986, and thereafter, the fishery will be governed by the regulations adopted by the Fraser River Panel and approved by the State Department and by Tribal regulations that are consistent with the Fraser River Panel regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife and Recreation, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4088

RIN: 1076-AC03

1222. INDIAN FISHING: HOOPA VALLEY INDIAN RESERVATION

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301; Reorganization Plan No. 3 of 1950; 64 Stat. 1262

CFR Citation: 25 CFR 250

Legal Deadline: None.

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/24/83	48 FR 29004
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior, 18th & C Streets, NW, Washington, DC 20245, 202 343-4088

RIN: 1076-AA83

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Completed Actions

1223. PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 43; 25 USC 46; 25 USC 44; 25 USC 348; 25 USC 472; 25 USC 479

CFR Citation: 25 CFR 5

Legal Deadline: None.

Abstract: The revision of this rule would extend the expired date of October 4, 1985, for a period of time to permit the Osage Tribal Council the additional time to organize and to establish current membership standards for purposes of Indian preference employment for their tribal members in the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Final Action	09/15/86	51 FR 32631
Final Action Effective	09/15/86	

Small Entity: No

Additional Information: Action will be taken to extend time limitation only upon request from the Osage Tribe and approval by the Deputy Assistant Secretary.

Agency Contact: Mercedes Lewis, Personnel Staffing Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-9306

RIN: 1076-AB60

1224. REALLOTMENT OF LANDS TO UNALLOTTED INDIAN CHILDREN

Legal Authority: 25 USC 461 to 479; 25 USC 408

CFR Citation: 25 CFR 156

Legal Deadline: None.

Abstract: Provides for the reallotment of original patent of lands to Indian children or the reallotment of land to when the original patent has been destroyed but is verifiable.

Timetable:

Action	Date	FR Cite
No further action will be taken at this time	03/00/87	

Small Entity: No

Agency Contact: Joseph Donahue, Acting Chief, Division on Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB70

1225. LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Legal Authority: Sec. 26, 41 Stat. 1248; 50 Stat. 68

CFR Citation: 25 CFR 215; 25 CFR 212; 30 CFR Chapter II

Legal Deadline: None.

Abstract: The regulations in this part provide the procedures and processes for lead and zinc mining operations and leases within the Quapaw Agency. No changes to the regulations are being considered at this time.

Timetable:

Action	Date	FR Cite
No action will be taken at this time	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB75

1226. MANAGEMENT OF TRIBAL ASSETS OF UTE INDIAN TRIBE, UINTAH AND OURAY RESERVATION, UTAH, BY THE TRIBE AND THE UTE DISTRIBUTION CORP

Legal Authority: 25 USC 677 to 677aa Secs 27 & 28 of the Act of 8/27/54; 68 Stat. 868; 5 USC 301; 230 DM 1 and 2; 25 USC 2 Sec 463 of the Revised Statutes; 25 USC 9 Sec 465 of the Revised Statutes

CFR Citation: 25 CFR 217

Legal Deadline: None.

Abstract: The regulations state that the assets shall be managed jointly by the business committee and the board of directors. These regulations set out the procedures for exercising such joint management. There is currently a conflict concerning these regulations which may justify a review.

Timetable:

Action	Date	FR Cite
No action will be taken at this time.	04/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB78

1227. LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

Legal Authority: Sec 1, 39 Stat. 519

CFR Citation: 25 CFR 227; 30 CFR Chapter II; 17 CFR Chapter II; 30 CFR 221; 25 CFR 211.26(d)

Legal Deadline: None.

Abstract: The regulations in this part provide the procedures and processes for acquiring leases, processes of payment of royalties and rents and leasing operations on certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining. No changes are being considered at this time.

Timetable:

Action	Date	FR Cite
No action will be taken at this time.	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Divison of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB80

1228. CONTRACTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450; 41 USC 501

CFR Citation: 25 CFR 271

Legal Deadline: None.

Abstract: A proposed rule, published in 47 FR 40326 on September 13, 1982, changed regulations to provide assistance to tribes from contracts to grants or cooperative agreement and for other purposes. The public comments to the proposed rule were overwhelmingly unfavorable. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) eliminate obsolete and unnecessary requirements, and (3) to clarify or simplify the regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40326
Hold hearings with Indian leadership on draft proposed rules	04/00/86	
Included in Subchapter M revisions, RIN 1076-AB62. Remove from agenda.	03/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Mary Widenhouse, Special Assistant, OIEP, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3151

RIN: 1076-AA47

DOI—BIA

Completed Actions

1229. GRANTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450h

CFR Citation: 25 CFR 272

Legal Deadline: None.

Abstract: The purpose of this rule is (1) to provide for changes in administrative processes, (2) to establish procedures and definitions consistent with other parts of this chapter, and (3) to ensure that self-determination grants are consistent with legislative intent.

Timetable:

Action	Date	FR Cite
Included with Subchapter M under RIN 1076-AB62. Remove from agenda.	02/27/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: George Clark, Self-Determination Program Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4096

RIN: 1076-AA48

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-02-T

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Minerals Management Service (MMS)

1230. ADMINISTRATION OF 20 PERCENT SET ASIDE

Significance: Regulatory Program

Legal Authority: 43 USC 1331 et seq

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: A review is under way to evaluate the implementation of section 8(b)(7) of the Outer Continental Shelf Lands Act. The alternative is to provide oversight under a more structured program, possibly involving new regulations. The potential benefits and costs of this action have not been determined

Timetable:

Action	Date	FR Cite
Federal Register Notice to solicit information and comments	03/00/87	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7817

RIN: 1010-AA73

1231. ● ASSESSMENTS FOR INCORRECT OR LATE REPORTS AND FAILURE TO REPORT

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 216.40; 30 CFR 218.40

Legal Deadline: None.

Abstract: Current assessments, in some instances, are out of line with costs and the nature of the error. This burden on industry must be relieved as soon as possible. The assessment regulations in 30 CFR 216.40 and 218.40 reserve to the Minerals Management Service (MMS) the discretion whether or not to assess a reporter. However, the existing regulations do not give MMS any flexibility in determining the amount of assessment per line--it must be $10. After experience in making such assessments, MMS has determined that it must be able to vary the amount of the assessments. Therefore, MMS is amending the regulations that relate to the Auditing and Financial System (AFS) reporting in 30 CFR 218.40 and the regulations that relate to the Production Accounting and Auditing System (PAAS) reporting in 30 CFR 216.40 to provide that the assessment will be an amount "up to $10" for each report as defined in the respective regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB08

1232. AIR QUALITY

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Legal Deadline: None.

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. A determination of potential costs and benefits cannot be made until responses to the Advance Notice of Proposed Rulemaking are analyzed. The DOI has conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If the affected parties involved can develop a mutually agreeable set of requirements, then DOI will initiate rulemaking based on that agreement.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	

DOI—MMS

Prerule Stage

Action	Date	FR Cite
Reach agreement on a negotiated rule or begin development of rule through standard processes	04/00/87	
Complete Determination of Effects of Rules	07/00/87	
NPRM	08/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 648-7815

RIN: 1010-AA61

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Proposed Rule Stage

1233. VALUATION OF OIL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206; 25 CFR 211; 25 CFR 212

Legal Deadline: None.

Abstract: Consistent oil valuation for royalty computation purposes from Federal and Indian leases will be prepared in response to a Linowes Commission recommendation that the Minerals Management Service issue detailed, definitive product valuation guidelines.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01/15/87	52 FR 1858
NPRM Comment Period End	04/15/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA30

1234. VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES, FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: Consistent gas and gas products valuation regulations for Royalty computation purposes, from Federal and Indian leases will be prepared. These regulations are in response to a Linowes Commission recommendation that Minerals Management Service issue detailed, definitive product valuation regulations. These regulations will provide clear terms and procedures and will help clarify areas which are ambiguous.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	02/13/87	52 FR 4732
NPRM Comment Period End	05/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA54

1235. VALUATION OF COAL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 192 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: This regulation will provide consistent valuation procedures for coal for the purpose of royalty computations. It is being prepared in response to a Linowes Commission recommendation for a detailed definitive product valuation regulation which contains clear terms and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01/15/87	52 FR 1840
NPRM Comment Period End	04/15/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA83

1236. ● CHANGE EFFECTIVE DATE OF ADOPTED MODIFICATIONS TO NTL-5

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) published a Notice in the Federal Register on July 25, 1986 (51

FR 26759), to modify Notice to Lessees Number 5 (NTL-5) to provide more flexibility in valuing for royalty purposes, natural gas produced from onshore Federal and Indian leases. The modification was effective on August 1, 1986. However, MMS has received many complaints from industry that the prospective August 1, 1986, effective date of the modification, in some cases, leads to results which are unreasonable and contrary to applicable mineral leasing laws. Consequently, MMS proposes to make the effective date retroactive to a date to be established based on comments received.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 1671
Extension of comment period	02/10/87	52 FR 4195
NPRM Comment Period End	02/17/87	
Comment period end	03/19/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB09

1237. PROVIDING INFORMATION CLAIMING REWARDS UNDER THE FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Legal Authority: 30 USC 1701; 30 USC 1723

CFR Citation: 30 CFR 218

Legal Deadline: None.

Abstract: Regulation for providing information and claiming rewards is needed to implement section 113 of the Federal Oil and Gas Royalty Management Act of 1982. No procedures are established on rewards. Rules would be developed to provide a process whereby persons having information on royalty or other payments owed to the United States could provide information and claim rewards. Alternatives considered are no action, issue a policy statement and no rule, or perform an extensive study. Very few information submissions and claims for rewards are expected as there is minimal interest to date. Therefore, costs are expected to be insignificant. Benefits would be assurance that the requirements of section 113 are being implemented and informants can provide information on amounts owed to the United States. Additional revenue is expected to be recovered.

Timetable:

Action	Date	FR Cite
NPRM	01/14/87	52 FR 1471
NPRM Comment Period End	03/16/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Dennis W. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, 303 231-3432

RIN: 1010-AB02

1238. THRESHOLD REQUIREMENT FOR PAYMENTS BY ELECTRONIC FUNDS TRANSFER

Legal Authority: 43 USC 1221 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) is proposing to amend 30 CFR 218 to change the threshold from $50,000 to $10,000 for royalty, bonus, and rental payments required to be made by Electronic Fund Transfer (EFT). This action would accelerate the collection and deposit cycle for MMS since payments under $50,000 are now made in the form of checks. The increased use of EFT would result in interest savings to the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/08/87	52 FR 687
NPRM Comment Period End	03/09/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, 303 231-3432

RIN: 1010-AB03

1239. ● DATA AND INFORMATION TO BE MADE AVAILABLE TO THE PUBLIC

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.3

Legal Deadline: None.

Abstract: The Minerals Management Service proposes to revise the timeframes for protection of proprietary geological data and information collected on a lease in the Outer Continental Shelf. This revision will provide additional assurance that the party that incurred the cost to produce the geological data and information will have a reasonable opportunity for exclusive use of it during at least one subsequent lease sale. The rule would apply to leases that are within the primary term.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AB07

1240. PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 280

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern exploration on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a permitting document rather than in regulations. Promulgation of regulations is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The rules will require that hard mineral operations will be conducted in a

manner which will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/84	49 FR 47871
ANPRM Comment Period End	04/08/85	
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: No

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA71

1241. EXTENSION OF PROTECTION OF PROPRIETARY DATA AND INFORMATION UNTIL A SUBSEQUENT LEASE SALE IN AN AREA

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 251.14

Legal Deadline: None.

Abstract: In some instances, current regulations result in release of proprietary data and information before the company which collected the data and information is able to use it during a lease sale in the area to which the data and information pertain. The proposed rule will revise the regulations to ensure that parties generating proprietary data and information are able to use the data and information in at least one lease sale.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: No

Additional Information: RIN's 1010-AA93 and 1010-97 have been combined into 1010-AA93.

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA93

1242. SUPPLEMENTAL SALES

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.12; 30 CFR 256.26

Legal Deadline: None.

Abstract: The rules at 30 CFR Part 256 will be revised to provide for supplemental sales and to establish limits on those supplemental sales. This rule is intended to allow the offering of rejected bid blocks, drainage blocks, and development blocks. The alternative is to operate under the current regulation and delay the leasing of certain blocks which may be critical to the development of an area or may be susceptible to loss of hydrocarbons.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	
Complete initial analysis of comments	07/00/87	

Small Entity: No

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7815

RIN: 1010-AB05

1243. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: 30 CFR 271

Legal Deadline: None.

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7817

RIN: 1010-AA87

1244. LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 281

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/85	50 FR 15590
ANPRM Comment Period End	08/19/85	
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise

DOI—MMS

Proposed Rule Stage

Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA82

1245. DEVELOPMENT AND PRODUCTION OPERATIONS FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 282

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/86	51 FR 12163
ANPRM Comment Period End	08/07/86	
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA81

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Final Rule Stage

1246. OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF (OCS)

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250, (Revision)

Legal Deadline: None.

Abstract: The rules at 30 CFR 250 will be revised by consolidating regulations, OCS Orders, Notices to Lessees, and related offshore operating requirements into a unified body of regulations; eliminating burdensome and counterproductive requirements; adding performance standards; and simplifying and streamlining these rules to the maximum extent practicable. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9316
NPRM Comment Period End	11/25/86	51 FR 40819
Complete Initial Review of public comments	02/00/87	
Complete draft of Final Rule	05/00/87	

Small Entity: No

Additional Information: Merged in whole or in part into one rulemaking: 1010-AA11, 30 CFR 250.70 and .80, Penalties; 1010-AA13, 30 CFR 250.3, Disclosure of Information; 1010-AA25, OCS Order No. 2, para. 8, Safety Requirements for Drilling Operations in an H2S Environment; 1010-AA26, OCS Order No. 6, Well Completion of Oil & Gas Wells; 1010-AA28, OCS Order No. 11, Oil & Gas Production Rates, Prevention Waste, & Protection of Correlative Rights; 1010-AA32, 30 CFR 250.45, Reports of Accidents & Malfunctions; 1010-AA34, 30 CFR 250.75, Self-Inspection; 1010-AA47, 30 CFR 250.80-2, Remedies & Penalties; 1010-AA48, 30 CFR 250, Environmental Reports; 1010-AA49, 30 CFR 250, Protection of Cultural Resources; 1010-AA50, 30 CFR 250.35, Effects of Drilling & Reworking on Lease Term; 1010-AA51, OCS Order No. 5, Production Safety Systems; 1010-AA52, OCS Order No. 9, Pipelines; 1010-AA98, 30 CFR 250.44, Borehole Abandonment.

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 648-7815

RIN: 1010-AA53

1247. ACCIDENTS, FIRES, AND MALFUNCTIONS FACT-FINDINGS PROCEEDINGS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.45(c), (new)

Legal Deadline: None.

Abstract: Proposes to establish procedures to obtain testimony from witnesses or persons who have knowledge of serious accidents, fires, blowouts, or spills that occurred during oil and gas and sulphur operations in the Outer Continental Shelf. The testimony would help accident investigation panels to determine the cause or probable cause of an accident under investigation. The procedures would facilitate meetings of investigatory panels and would reduce legal challenges to future Minerals Management Service fact-finding investigations. The alternative would be not to have procedures. The proposed rule is procedural in nature; therefore, it does not imply cost.

Timetable:

Action	Date	FR Cite
NPRM	04/24/86	51 FR 15502
NPRM Comment Period End	05/27/86	
Final Action	09/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: William Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7818

RIN: 1010-AA88

DOI—MMS

Final Rule Stage

1248. REPORT OF CESSATION OF PRODUCTION

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.93

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) proposes to add the requirement for a report of cessation of production for leases in their extended term which have ceased production. This proposed regulation addresses a situation created by the elimination of the Monthly Report of Operations. Without the Monthly Report of Operations, MMS does not have timely information concerning the status of a lease. The alternative is to continue collecting the Monthly Report of Operations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37200
NPRM Comment Period End	11/19/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7815

RIN: 1010-AB04

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

1249. COMPUTATION OF OIL AND GAS TRANSPORTATION ALLOWANCE

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: These regulations will establish consistent procedures for the determination of the oil and gas transportation deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
Merged with 1010-AA30 and AA54	01/09/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver, Federal Center, MS 628, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA45

1250. COMPUTATION OF GAS PROCESSING DEDUCTIONS

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: These regulations will provide consistent procedures for the determination of the gas processing deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
Merged with 1010-AA54	01/09/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA46

1251. PRODUCT VALUATION WASTE PREVENTION; BENEFICIAL USE

Legal Authority: 30 USC 1701 et seq; 43 USC 3160

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: Regulation to modify 30 CFR 206.100 is needed to reference Bureau of Land Management (BLM) regulations on the prevention of waste of oil and gas. Regulations at 30 CFR 206 are inconsistent with BLM regulations. Rules would be modified to make the MMS rule, to be effective retroactive to 10/22/84, consistent with BLM rule. Alternative considered is no action. Costs are expected to be minimal. Benefits would be the assurance that MMS regulations and BLM regulations are consistent in the valuation of wasted or avoidably lost production for oil and gas. Guidance to industry would be improved.

Timetable:

Action	Date	FR Cite
Final Action	02/06/87	52 FR 3796
Final Action Effective	02/06/87	

Small Entity: No

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, 303 231-3432

RIN: 1010-AB01

1252. ROYALTY-IN-KIND CRUDE OIL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq; 43 USC 1331 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 208; 30 CFR 209

Legal Deadline: None.

Abstract: The Royalty-in-Kind provisions of these rules, some of which

were transferred from the Department of Energy, will be revised in order to simplify and streamline the Federal Government's process for selling its Royalty crude oil. The contents of existing 30 CFR 206 and 30 CFR 209 will be combined at new 30 CFR 206. 30 CFR 209 will be removed.

Timetable:

Action	Date	FR Cite
NPRM	01/20/87	52 FR 2202
NPRM Comment Period End	02/19/87	
No action expected in next 12 months	02/27/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA31

1253. DIRECT PAYMENT OF ROYALTIES TO INDIAN TRIBES OR ALLOTTEES

Legal Authority: 25 USC 396; 25 USC 476; 25 USC 477; 25 USC 509

CFR Citation: 30 CFR 218; 25 CFR 211; 25 CFR 212

Legal Deadline: None.

Abstract: The Minerals Management Service is considering direct payment of minerals royalties to Tribes or allottees. Annually, about $175 million is distributed to approximately 20,000 individual allottees and Tribes. The payments are sent by the payor to MMS and from MMS to the Bureau of Indian Affairs for distribution. The present system increases the risk of making late or wrong payment and is extremely expensive and inefficient to administer. Also, accountability is difficult to establish under the present system.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
End Review	01/12/87	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA79

1254. REMOVAL OF POSTPRODUCTION PLATFORMS

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None.

Abstract: Information is being solicited concerning requirements governing removal of postproduction platforms. Changes could provide more latitude for disposition of platforms following the completion of OCS oil and gas operations. Benefits could include increased development of marine life, improvements in private and commercial fishing, and reduced costs to industry. Alternative is to leave existing rules unchanged.

Timetable:

Action	Date	FR Cite
ANPRM	11/13/84	49 FR 44924
ANPRM Comment Period End	01/13/85	
ANPRM - Second	03/05/86	51 FR 7584
Complete Initial Analysis of Comments	09/00/86	
Withdrawn Rulemaking action on this issue is premature.	01/09/87	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7817

RIN: 1010-AA66

1255. SAFETY AND POLLUTION PREVENTION EQUIPMENT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250, (OCS Order No. 5)

Legal Deadline: None.

Abstract: The Minerals Management Service proposes to amend OCS Order No. 5, "Production Safety Systems," to incorporate by reference the 1985 Edition of ANSI/ASME SPPE-1 and the 1984 Edition of API Specifications 14A and 14D in lieu of editions currently incorporated, and delete the current incorporation by reference of ANSI/ASME SPPE-2.

Timetable:

Action	Date	FR Cite
NPRM	09/18/86	51 FR 33146
NPRM Comment Period End	10/20/86	
Final Action	02/19/87	52 FR 5196
Final Action Effective	03/23/87	

Small Entity: No

Agency Contact: Mario Rivero, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Dr., Reston, VA 22091, 703 648-7600

RIN: 1010-AA96

1256. BOREHOLE ABANDONMENT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.44

Legal Deadline: None.

Abstract: There are no provisions in current Minerals Management Service regulations which address the requirements for the temporary abandonment of a borehole. This revision allows an operator to temporarily abandon a borehole in an environmentally sound manner. There are no potential additional costs as the rule reflects current industry practice. The benefits are an operator may be able to utilize a drilled well at a later point rather than immediately abandoning it, thereby reducing the cost of operations. The requirements in the amendment will ensure that the temporarily abandoned wells will not constitute a hazard to navigation or other uses of the ocean, or to the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 29947
NPRM Comment Period End	09/21/86	
Final Action - to be merged with 1010-AA53.	02/27/87	

Small Entity: No

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service,

BEST COPY AVAILABLE

Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7818

RIN: 1010-AA98

1257. OUTER CONTINENTAL SHELF: NOTICE OF SALE

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.29(c)

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) proposes to amend the regulation to require the publication in the Federal Register of a notice of availability in lieu of publication of the proposed Notice of Sale, thereby reducing annual publication costs to MMS. The alternative is to continue the current practice of publishing the Proposed Notice of Sale in the Federal Register. There would be no costs or savings to lessees.

Timetable:

Action	Date	FR Cite
NPRM	07/22/86	51 FR 26268
NPRM Comment Period End	08/21/86	
Final Action	10/20/86	51 FR 37177
Final Action Effective	11/19/86	

Small Entity: No

Agency Contact: Mario Rivero, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7608

RIN: 1010-AB06

1258. APPEALS PROCEDURES

Legal Authority: 25 USC 396; 25 USC 396a; 30 USC 181 to 287; 30 USC 351 to 359; 30 USC 1001 to 1025; 30 USC 1701 to 1757; 43 USC 1331 to 1356

CFR Citation: 30 CFR 290

Legal Deadline: None.

Abstract: Revisions to 30 CFR 290 are needed to assure that the administrative appeals procedures are compatible with the newly adopted civil penalty regulations of 30 CFR 241, are in accord with current organizational configurations, and contain new provisions concerning filing dates and the submission of confidential information. Persons exercising administrative appeals rights would be required to identify information that they claim is exempt from public disclosure and to provide second copies of appeals documents. The procedural revisions should increase efficiencies in processing appeals and reduce risks of inadvertent disclosure of private information. The maximum estimated total cost of the proposed revisions is not expected to exceed $5,000 per year for all affected persons.

Timetable:

Action	Date	FR Cite
Withdrawn Rulemaking action not required at this time.	01/05/87	

Small Entity: No

Agency Contact: C. Eric Hager, Regulatory Specialist (Appeals), Department of the Interior, Minerals Management Service, Mail Stop 623, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7729

RIN: 1010-AA68

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-MR-T

DEPARTMENT OF THE INTERIOR (DOI) — Proposed Rule Stage

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1259. ● TERMINATION OF JURISDICTION UNDER SMCRA

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.11

Legal Deadline: None.

Abstract: The Surface Mining Control and Reclamation Act (SMCRA) does not specifically define the cutoff point at which a person's reclamation obligations are absolved, therefore a rule is needed to specify when liability is terminated. The significant and sensitive nature of this issue warrants rulemaking to resolve the issue of when a person's liability under SMCRA ends. The regulations in question are specific to the responsibilities of the Depart. of the Interior, OSMRE, and they implement SMCRA. No other Federal agency is authorized to undertake this action on behalf of the Department. OSMRE has never addressed this issue in a rulemaking. The regulatory authority will issue a written determination ending liability under the Act where the following conditions apply. For permanent program operations it proposes to terminate an operator's liability under the Act at the time of final bond release where all applicable regulatory program requirements have been met. For initial program operations, liability will end where all requirements of the Act and regulations have been met. In addition, for both categories of operations, there (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: must be no unabated Federal or State notices of violation or cessation orders outstanding before liability can be terminated.

Agency Contact: Daniel Stocker, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5385

RIN: 1029-AB07

1260. ● SURFACE COAL MINING OPERATIONS; DEFINITION OF IN CONNECTION WITH

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.5

Legal Deadline: None.

Abstract: The rule will codify the definition of the phrase "in connection with" as used in the definition of surface coal mining operations at 30 CFR 700.5. The definition of "in connection with" will clarify which

activities are associated with surface coal mining operations and therefore subject to the requirements of the Surface Mining Control and Reclamation Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AB08

1261. PERMANENT REGULATORY PROGRAM
REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Legal Deadline: None.

Abstract: This proposed rule would respond to a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities were not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with Congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVFs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1507

RIN: 1029-AA54

1262. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES
ROADS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151

Legal Deadline: None.

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA60

1263. PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784

Legal Deadline: None.

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e)(4) and (5) of the Surface Mining Control and Reclamation Act to the surface impacts of underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in sections 522(e)(4) and (5) of the Act. The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
Notice of intent to prepare a draft EIS & Preliminary RIA: Scoping Meeting	06/19/85	50 FR 25473
Notice of Scoping Meeting, Request for comments	06/19/85	50 FR 25473
ANPRM Comment Period End	08/27/85	50 FR 13250
NPRM	06/00/87	
Hearing on Draft EIS	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: Yes

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EIS to meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of E.O. 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are anticipated to be significant in terms of E.O. 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small Entity Flexibility Analysis are being prepared.

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 136 S, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1928

RIN: 1029-AA80

1264. PERMANENT REGULATORY PROGRAM DEFINITIONS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None.

Abstract: The proposed rulemaking is in response to a court order of the District Court for the District of Columbia which remanded the portion of OSM's definition of "affected area" relating to the description and inclusion of roads in "affected areas." The proposed regulation will address alternative definitions and descriptions of roads as part of the definition of "affected areas" and clarify the relationship of these terms to various provisions of the Surface Mining Control and Reclamation Act of 1977. OSM is unable at this time to determine precisely what additional costs would be associated with the rule. It should be minimal, however, as this rule is intended only to identify the limitations on roads to be included in surface mining operations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Pat Boyd, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1473

RIN: 1029-AA84

1265. PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None.

Abstract: The proposed rule will amend the definition of the term support facilities as a result of the District Court for the District of Columbia's opinion of July 6, 1984. The proposed regulation would bring additional support facilities under the Permanent Program Regulations of the Surface Mining Control and Reclamation Act and amend the definition of support facility to connote a functional relationship with a regulated facility. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Raymond Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA94

1266. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 702

Legal Deadline: None.

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been identified. Proposed regulations would establish procedures to administer the exemption. The costs of compliance for these operations are undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard O. Miller, Chief, Regulatory Development and Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 134S, 202 343-5241

RIN: 1029-AA53

1267. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO GOVERNMENT FINANCED CONSTRUCTION

Legal Authority: 30 USC 1202; 30 USC 1211; 30 USC 1278

CFR Citation: 30 CFR 707

Legal Deadline: None.

Abstract: The current limiting language in 30 CFR Part 707 can have at least three adverse results for the Abandoned Mine Lands (AML) Program. The inability to remove incidental amounts of coal encountered during reclamation activities can result in: 1) the loss of a valuable energy resource, 2) a no-cost subsidy of a future mining operation, and 3) a windfall profit to the mineral owner. In addition, the Federal and State governments are unable to reduce the costs of their AML projects. Participation in the incidental recovery of coal and resulting reduction in reclamation costs would allow the Federal and State AML programs to accomplish more reclamation at a substantial saving. To correct these deficiencies and to allow greater flexibility for the AML Program to remove incidental amounts of coal encountered during AML-financed reclamation activities, the clarification and expansion of the scope of Part 707 is being proposed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Helen Richards, Reclamation Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5124 L, 202 343-4850

RIN: 1029-AA58

1268. REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 772.11; 30 CFR 772.12

Legal Deadline: None.

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Mary Josie Smith, Branch of Western Activities, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5111 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5150

RIN: 1029-AA92

1269. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAM; FEDERAL PROGRAM FOR A STATE; PROCEDURAL REQUIREMENTS

Legal Authority: 30 USC 1251; 30 USC 1253 to 1269; 30 USC 1271; 30 USC 1272; 30 USC 1295

CFR Citation: 30 CFR 736

Legal Deadline: None.

Abstract: OSMRE will propose revisions to its rules governing standards and procedures for the promulgation, implementation, revision, and termination of a Federal program for a State for coal exploration and surface coal mining operations on non-Federal and non-Indian lands within that State.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	08/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Andrew DeVito, Chief, Division of Permit & Environmental Analysis, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 134S, 202 343-5241

RIN: 1029-AA71

1270. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 740; 30 CFR 745; 30 CFR 746

Legal Deadline: None.

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans," the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	12/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Leonard Richeson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5866

RIN: 1029-AA76

1271. ● SURFACE COAL MINING AND RECLAMATION OPERATIONS ON INDIAN LANDS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 750

Legal Deadline: None.

Abstract: The proposed rule would implement Court approved settlements involving OSMRE, the State of New Mexico, and the National Coal Association/American Mining Congress Joint Committee in regard to final Indian lands regulations. The rule would delete the reference to the American Indian Religious Freedom Act and revise the requirements addressing inclusion of surface coal mining and reclamation provisions in Indian leases.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5144

RIN: 1029-AB04

1272. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Legal Deadline: None.

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court Decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
Scoping Hearings for NEPA and RIA	04/00/86	
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-7951

RIN: 1029-AA77

1273. LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(a); 30 CFR 761.11(c); 30 CFR 769.14(a)(3); 30 CFR 769.14(b)(2)

Legal Deadline: None.

Abstract: OSMRE is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Jerry Schwartz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-7930

RIN: 1029-AA90

1274. ● SUBSTANTIAL LEGAL AND FINANCIAL COMMITMENT

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Legal Deadline: None.

Abstract: The proposed rule would amend the definition of the phrase "substantial legal and financial commitments" as required by a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations. The definition will clarify what is needed for a determination of a "substantial legal and financial commitment" in a surface coal mining operation. Such a determination would exempt land from a designation as unsuitable for surface coal mining operations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: James M. Kress, Federal Land Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution, Ave., NW, Washington, DC 20240, 202 343-7953

RIN: 1029-AB01

1275. ● UNSUITABILITY PETITION PROCESS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 764; 30 CFR 769

Legal Deadline: None.

Abstract: The proposed rule would amend the State and Federal process for designating land unsuitable for surface coal mining operations. The revision would standardize the State and Federal procedures and establish new time frames for processing petitions. The revisions are required by a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Catie Roy, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5143

RIN: 1029-AB00

1276. PERMANENT REGULATORY PROGRAM - OWNERSHIP INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 778

Legal Deadline: None.

Abstract: The Office of Surface Mining Reclamation and Enforcement is proposing to revise 30 CFR 778 which specifies what information must be furnished in a surface coal mining permit application. The permit application requirements are being revised in order to conform them to proposed revisions in 30 CFR 773 which govern the issuance of surface coal mining permits. The proposed revisions to 30 CFR 778 will require the submission of more detailed information on the ownership and control of permit applicants. It is not anticipated that the revision will impose a substantial financial burden on those applying for permits.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Undetermined

Agency Contact: Andrew DeVito, Senior Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA96

1277. ● PERMANENT REGULATORY PROGRAM; REQUIREMENTS FOR PERMITS, INFORMATION ON HYDROLOGIC IMPACTS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 780.21(f); 30 CFR 784.14(e)

Legal Deadline: None.

Abstract: The rule sets a life of permit as the parameter for the determination of the probable hydrologic consequences (PHC) of the proposed operation upon the quality and quantity of surface and groundwater under seasonal flow conditions for the proposed permit and adjacent areas. The rule re-promulgates the suspended 1983 rules with an expanded preamble and record to support the rule language. This was requested by the Court as a result of litigation. The rule will result in lower costs to industry and a reduction in their information collection requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1507

RIN: 1029-AB11

1278. PERMANENT REGULATORY PROGRAM - MOUNTAINTOP REMOVAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 785

Legal Deadline: None.

Abstract: The proposed rule amends the rules for "Permits for Special Categories of Mining -- Mountaintop Removal Mining." This action will correct an inadvertent error whereby certain substantive provisions concerning mountaintop removal mining in the Surface Mining Control and Reclamation Act of 1977 (the Act) were not included in previous implementing regulations. These provisions include a finding for permit issuance that the applicant has presented specific plans for the proposed postmining land use and has made appropriate assurances for the use. The addition of these provisions will make the rules for mountaintop removal mining consistent with the Act, as well as with the Secretary's brief In Re: Permanent Surface Mining Regulation Litigation II, (round III). The requirements of the proposed rule will ensure that all the substantive provisions of the Act are applied to mountaintop removal coal mining operations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Arlo Dalrymple, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA97

1279. ● REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING; EXPERIMENTAL PRACTICES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 785.13

Legal Deadline: None.

Abstract: The proposed rule would revise the permit application requirements applicable to experimental practices as provided by section 711 of SMCRA. Section 711 allows for departures from the environmental protection performance standards of section 515 and 516 of the Act. The rule would be revised to encourage advances in mining and reclamation practices and special alternative postmining land uses. No additional costs to the environment would occur because experimental practices cannot be authorized if they are not as environmentally protective as the requirements of section 515 and 516. The rule revision may provide coal mine operators the ability to utilize more cost efficient mining and reclamation practices.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: John Parsons, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029-AB06

1280. ● PERMANENT PROGRAM PERFORMANCE STANDARDS; DISPOSAL OF COAL MINE WASTE

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None.

Abstract: The rule will reexamine performance standards and design criteria for coal waste disposal. The action is in response to a District Court for the District of Columbia remand order which cited procedural defects in an earlier rulemaking (47 FR 44006, September 28, 1983), involving inadequate notice and comment and an inadequate administrative record.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Dr. C. Y. Chen, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1501

RIN: 1029-AB09

1281. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.102(g)(2); 30 CFR 816.104; 30 CFR 816.105

Legal Deadline: None.

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	12/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA57

1282. ● PERMANENT PROGRAM PERFORMANCE STANDARDS; SURFACE MINING ACTIVITIES; CONTEMPORANEOUS RECLAMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.100; 30 CFR 816.101

Legal Deadline: None.

Abstract: The rule is being proposed in response to a remand by the Court to provide additional guidance to the regulatory authorities. The proposed rule should ensure that all reclamation efforts proceed as contemporaneously as practicable with surface coal mining operations in accordance with Section 515(b)(16) of the Surface Mining Control and Reclamation Act of 1977.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AB02

1283. ● PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.102

Legal Deadline: None.

Abstract: The proposed regulation is in accordance with a Court approved settlement agreement and would provide a method of calculating civil penalties when compliance with Section 30 CFR 816.102(a) cannot be accomplished using Best Technology Currently Available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k). The regulation will require an undetermined information collection requirement on the regulatory authority, the cost of which has not been calculated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AB10

1284. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES – REVEGETATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.116(b)(3)(ii); 30 CFR 816.116(c)(4); 30 CFR 817.116(b)(3)(ii); 30 CFR 817.116(c)(4); 30 CFR 816.116(c)(2); 30 CFR 817.116(c)(2)

Legal Deadline: None.

Abstract: This rule is being proposed in response to an order of the U.S. District Court remanding several aspects of OSM regulations concerning revegetation which has inadequate support in the administrative record. OSM will propose rules concerning replanting of trees as a normal husbandry practice, the period for revegetation success, and rills and gullies control as a normal conservation practice. Costs and benefits of this action have not been determined since the final scope of the rule is not certain. This analysis will be based in large part on public comments received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Arlo Dalrymple, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 210, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5840

RIN: 1029-AA86

1285. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES - IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.49; 30 CFR 817.49

Legal Deadline: None.

Abstract: The regulation will address the issue addressed in a district court challenge to OSM regulations. The rule will address the problem of combination spillways and will specify a spillway configuration that must be installed to safely pass the designed precipitation event. In some cases, the rule may allow one spillway to serve as a combination principal and emergency spillway. The proposed action may reduce costs in those cases where one spillway will safely pass the design precipitation event with no corresponding decrease in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA79

1286. SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 823.11(a); 30 CFR 823.11(b)

Legal Deadline: None.

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by Court Order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Donald Smith, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1510

RIN: 1029-AA64

1287. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

Significance: Regulatory Program

Legal Authority: 30 USC 1267

CFR Citation: 30 CFR 840; 30 CFR 842; 30 CFR 843

Legal Deadline: None.

Abstract: The proposed rule would clarify inspection requirements of surface coal mining and reclamation and exploration operations under initial and permanent regulatory programs. It would also define the various types of sites in surface coal mining and reclamation and exploration operations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Daniel E. Stocker, Chief, Section of Inspection, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5384

RIN: 1029-AA67

1288. ● COLLECTION OF AML FEES - MOISTURE CONTENT OF COAL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870

Legal Deadline: None.

Abstract: The present regulations require the weight of coal (for the purpose of calculating the tonnage upon which the AML fee is calculated) to be determined at the point of first sale. This weight includes not only that of the saleable coal, but also that of the extraneous material including the moisture content. Recent action by the Internal Revenue Service (IRS) issued a revenue-ruling for the Black Lung Tax to allow for the deduction of a moisture content allowance from the tonnage upon which the Black Lung Tax is collected. The IRS decision to make this change in its regulations was based on a Federal court decision. Taft Coal Co. v. U.S., 605 F. Supp. 366, (N.D. Ala. 1984). OSMRE proposes to change the existing regulations to create a standard moisture allowance which would be consistent with that allowed by the IRS for the Black Lung Tax program. Regulations dealing with the basis upon which a tax or fee is assessed should be consistent for administrative convenience and equity to the coal operator. Federal action is required since OSMRE is directly responsible for collecting the AML fee and for establishing the regulations promulgating (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: standards under which the fee is collected. The regulations in question are specific to the responsibilities of they Department of the Interior, OSMRE, and they implement SMCRA. No other Federal agency is authorized to undertake this action on behalf of the Department. The regulation will be changed to include a moisture content allowance. Standards will be developed to establish a percentage allowance consistent with the IRS approach for the Black Lung Program and with industry technical standards for moisture content calculation.

Agency Contact: Jane Robinson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 786-1489

RIN: 1029-AB03

1289. ABANDONED MINE LAND FUNDING - ELIGIBILITY OF LAND REAFFECTED BY MINING

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 874

Legal Deadline: None.

Abstract: The proposed rule would clarify what land is eligible for abandoned mine land reclamation funding. Under existing regulations, abandoned mine land reaffected after August 3, 1977, the date of enactment of Surface Mining Control and Reclamation Act, is ineligible for reclamation funding. The Office of Surface Mining Reclamation and Enforcement believes that non-eligibility for reclamation funding places an undue hardship on surrounding communities. The rule would allow expenditure of Abandoned Mine Land Reclamation Funds if such projects meet certain specific criteria in order to restore affected environments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Helen Richards, Realty Officer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4850

RIN: 1029-AA95

1290. ● CALIFORNIA FEDERAL PROGRAM

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 905

Legal Deadline: None.

Abstract: The proposed rule would establish a Federal program for the State of California. Under the Federal program, surface coal mining and reclamation operations in California will be subject to the OSMRE's permanent program requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Mary Josie Smith, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5150

RIN: 1029-AB05

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1291. SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM-OWNERSHIP AND CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Legal Deadline: None.

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13724
NPRM Comment Period End	06/28/85	
NPRM Comment Period Reopened	04/16/86	51 FR 12879
Reopen NPRM Comment Period Extended	06/25/86	51 FR 23085
Reopen NPRM Comment Period End	08/11/86	51 FR 23085
Final Action	05/00/87	

Small Entity: No

Agency Contact: Andrew F. DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA56

1292. PERMANENT REGULATORY PROGRAM DEFINITION OF COAL PREPARATION PLANTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700; 30 CFR 701.5; 30 CFR 785; 30 CFR 827

Legal Deadline: None.

Abstract: The proposed rule will revise the 1983 definition of "coal preparation or coal processing" which was formulated on the basis of OSMRE's previous interpretation of Section 701(28)(A) of the Act. In accordance with the District Court of the District of Columbia decision, OSMRE would adopt a new definition which would include chemical or physical processing or cleaning, concentrating or other processing or preparation of coal. Facilities not involving separation of coal from its impurities would be included within this definition. The definition of coal preparation plant will be revised to track the new definition of "coal preparation." Also the definition of support facilities will be removed from this rule and proposed separately. The proposed rule for coal preparation plants would bring on a large number of additional facilities under the jurisdiction of SMCRA therefore adding to environmental protection and could impose added costs to industry.

Timetable:

Action	Date	FR Cite
NPRM	07/10/85	50 FR 28180
Interim Final Rule	07/10/85	50 FR 28186
NPRM Comment Period End	11/24/85	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA73

1293. PERMANENT PROGRAM PERFORMANCE STANDARDS DEFINITIONS, PREVIOUSLY MINED AREAS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 773

Legal Deadline: None.

Abstract: This rulemaking action is in response to a Court Order by the U.S. District Court for the District of Columbia In re; Permanent Surface Mining Regulation Litigation II, July 15, 1985. The proposed regulation would amend the definition of previously mined area to include only those lands mined prior to May 3, 1978, or prior to January 1, 1979 for certain small operators exempted under 30 CFR 710.12, and not reclaimed to the standards of the Act. This rule may lead to a reduction of environmental benefits since there will be less incentive for remining and reclamation of mines abandoned after May 3, 1978. Otherwise, there is no significant increase or decrease in costs.

Timetable:

Action	Date	FR Cite
NPRM	07/31/86	51 FR 27508
NPRM Comment Period End	10/09/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 210, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA88

1294. INDIVIDUAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 723; 30 CFR 724; 30 CFR 845; 30 CFR 846, (New)

Legal Deadline: None.

Abstract: The proposed rule will improve the implementation of Section 518(f) of the Surface Mining Control and Reclamation Act by clarifying the meaning of "knowing and willful" and defining the manner in which a daily penalty will be assessed for a continuing violation. Corporate officials associated with a permittee in violation of the Act will be identified and assessed individual civil penalties in addition to any penalties imposed on the Corporate entity.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	03/04/86	
NPRM	12/24/86	51 FR 46838
Final Action	09/00/87	

Small Entity: No

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Washington, DC 20240, 202 343-5241

RIN: 1029-AA81

DOI—OSMRE

Final Rule Stage

1295. CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR MINING OPERATIONS FRAGILE AND HISTORIC

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Legal Deadline: None.

Abstract: The objection to the definitions of the terms "fragile lands" and "historic lands" in 762.5 is their requirement that damage from proposed mining to historic and other values must be irreparable or permanent before lands can be classified as fragile or historic and therefore, eligible for consideration as being unsuitable for mining. The court order requires only a finding of significant damage, in accordance with Section 522(a)(3)(b) of the Act. In as much as the required wording "significant damage" is used in 762.11(b)(2) in the fragile-or-historic-lands criterion for designating lands as unsuitable, rather than using the wording of the two definitions, the proposed rule change would remove the degree-of-damage requirement from the definitions and thereby remove the wording objected to. The cost and benefits would remain unchanged because a finding of only significant damage and the combined term are already in place in 762.11(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	07/25/85	50 FR 30408
NPRM Comment Period End	10/03/85	
NPRM Comment Period Reopened	12/10/86	51 FR 44484
Reopen NPRM Comment Period End	02/09/87	51 FR 44484
Final Action	07/00/87	

Small Entity: No

Agency Contact: Annetta Cheek, Archeologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7951

RIN: 1029-AA62

1296. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773, (Revision); 30 CFR 843

Legal Deadline: None.

Abstract: The existing rules pertaining to the requirements for permit and permit processing, permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	07/16/86	51 FR 25822
NPRM Comment Period End	09/24/86	
Final Action	05/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA66

1297. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Legal Deadline: None.

Abstract: This regulation is intended to clarify existing requirements concerning protection of historic properties which may be affected by surface coal mining and reclamation operations. This rule would clarify that States with regulatory programs approved by the Secretary of the Interior have authority to require specific actions to assist the Secretary of the Interior comply with section 106 of the National Historic Preservation Act. Since this is a clarification of existing requirements, no change in costs are expected. Benefits will be seen in more clarity in regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/11/86	51 FR 8466
NPRM Comment Period End	06/09/86	51 FR 8466
Final Action	03/00/87	

Small Entity: No

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7951

RIN: 1029-AA87

1298. SURFACE MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 779.20; 30 CFR 780.16; 30 CFR 783.20; 30 CFR 784.21; 30 CFR 816.97(a); 30 CFR 816.97(b); 30 CFR 817.97

Legal Deadline: None.

Abstract: OSM is amending Fish and Wildlife performance standards at 30 CFR 816.97 to comply with the District Court's decision of October 1, 1984, which pertains to protection of endangered and threatened species and the exclusion of wildlife from toxic ponds. In addition, OSM is amending the Fish and Wildlife permitting requirements at 30 CFR 779.20 and 780.16 to provide greater flexibility and clarity.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19498
NPRM Comment Period End	08/07/86	51 FR 19498
Final Action	05/00/87	

Small Entity: No

Agency Contact: Bruce Klein, Department of the Interior, Office of Surface Mining Reclamation and

Enforcement, Ten Parkway Center, Pittsburgh, PA 15220, 412 937-2885

RIN: 1029-AA74

1299. REQUIREMENT TO RELEASE PERFORMANCE BONDS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800-40(a)(2)

Legal Deadline: None.

Abstract: This proposed rule would require that an applicant for bond release include the name of the permittee in the application. This action is being taken as a result of a commitment made during litigation on bonding requirements before the District Court for the District of Columbia where it was found that an explicit requirement for providing the name of the applicant was necessary. Also the proposed revision would allow certain third parties to guarantee self-bond. This action is being taken as a result of OSMRE on June 13, 1986 accepting a proposal to revise self-bonding regulations sought in a petition for rulemaking by the National Coal Association/American Mining Congress (NCA/AMC) Joint Committee on Surface Mine Regulations. There will be no increase or decrease in the cost/benefits of this rule.

Timetable:

Action	Date	FR Cite
NPRM	11/26/86	51 FR 42984
NPRM Comment Period End	02/04/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Frank Mancino, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5143

RIN: 1029-AA91

1300. PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES - HYDROLOGIC BALANCE PROTECTION

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.41(b)(2)

Legal Deadline: None.

Abstract: The rulemaking is in response to a challenge of this issue in District Court where the Office agreed to suspend 30 CFR 817.41(b)(2), concerning requirement to restore groundwater recharge capacity, and repromulgate the rule to develop the administrative records. OSM will propose two options: (1) removing 817.41(b)(2) and (2) retaining this paragraph while asking for comments concerning its legality, technological validity, and environmental impacts. Since this rule will be repromulgated with options, a determination of its potential costs and benefits cannot be assessed until comments are received and options chosen.

Timetable:

Action	Date	FR Cite
NPRM	12/11/86	51 FR 44742
NPRM Comment Period End	02/19/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5010 L, 1951 Constitution Ave., NW, Washington, DC, 202 343-5843

RIN: 1029-AA75

1301. STATE-FEDERAL COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq.

CFR Citation: 30 CFR Subchapter T

Legal Deadline: None.

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Timetable:

Illinois (913)
NPRM 04/00/87

Utah (944)
NPRM 03/31/82 (47 FR 13738)
Final Action 03/00/87

Virginia (946)
NPRM 06/27/83 (48 FR 29545)
Final Action 03/00/87

Wyoming (950) (Amendment)
Final Action 12/16/86 (51 FR 45082)

Small Entity: No

Agency Contact: Mary Josie Smith, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5150

RIN: 1029-AA40

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

1302. SUBCHAPTER A - GENERAL, APPLICABILITY

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.11; 30 CFR 704

Legal Deadline: None.

Abstract: The lack of review procedures for operations meeting the two-acre exemption under the Surface Mining Control and Reclamation Act has led to difficulty in enforcing this provision of the Statute. Therefore, OSMRE is proposing to implement rules to identify the procedures by which a surface mining operation will be exempted from the provisions of the Statute. The proposed rule will identify the qualification and operator notification requirements, verification procedures and recordation process. The rule would result in benefits to small operators and regulatory authorities in clarifying those operations clearly meeting the exemption criteria and they would be treated as such. No additional costs to the environment would occur because operations would not commence within a specified time of notice, for regulatory authority review. Rulemaking action deferred pending further review.

Timetable:

Action	Date	FR Cite
Withdrawn	02/10/87	

Small Entity: Undetermined

Agency Contact: Richard O. Miller, Chief, Regulatory Development and Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 134S, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA89

1303. PERMANENT REGULATORY PROGRAM DEFINITION OF ADVERSE PHYSICAL IMPACT

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.106(b); 30 CFR 817.106(b)

Legal Deadline: None.

Abstract: This regulation addresses the result of a joint motion approved by the District Court for the District of Columbia on December 3, 1984. The final regulation will remove the definition of adverse physical impact; remove the limitations imposed by 30 CFR 816.106(b) and 817.106(b); and require that all reasonably available spoil in the immediate vicinity of the remining operation be used to backfill the highwall to the maximum extent technically practicable. In view of the joint motion this is the only alternative being considered. There will be little if any potential costs because of the very limited application of this rule. Therefore, benefits which will result will also be very limited. The proposed rule asks for public comment on this very issue.

Timetable:

Action	Date	FR Cite
NPRM	06/13/85	50 FR 7522
NPRM Comment Period End	08/22/85	
Final Action	11/08/86	51 FR 41734
Final Action Effective	12/08/86	

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA52

1304. RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 705

Legal Deadline: None.

Abstract: This rule addresses the Office of Surface Mining's removal of the exemption for members of multiple interest boards in the definition of the term "employee" in 30 CFR 705 for purposes of determining restrictions on financial interests of State regulatory authority employees.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 52098
NPRM Comment Period End	07/31/84	49 FR 22498
Final Action	10/17/86	51 FR 37118
Final Action Effective	11/17/86	51 FR 37118

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Peggy Moran, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, Room 5415 L, 202 343-4665

RIN: 1029-AA41

1305. MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 733

Legal Deadline: None.

Abstract: This rule will be revised to provide the Director, Office of Surface Mining, with additional options when problems are identified in the administration of approved State programs. The Office will propose a shortened, streamlined process for taking action when a site-specific problem arises in a State. Rulemaking action suspended pending conclusion of State oversight studies.

Timetable:

Action	Date	FR Cite
Withdrawn	02/10/87	

Small Entity: Undetermined

Agency Contact: Richard O. Miller, Chief, Regulatory Development and Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA42

1306. PERMANENT PROGRAM PERFORMANCE STANDARDS AND PERMIT APPLICATION MINIMUM REQUIREMENTS - UNDERGROUND MINING ACTIVITIES SUBSIDENCE CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784.20(d); 30 CFR 817.121(c)(2)

Legal Deadline: None.

Abstract: Following Permanent Surface Mining Regulation Litigation II, the court remanded Section 817.121(c)(2) of the subsidence control rule relating to the protection of surface structures and facilities to OSMRE to repromulgate the rule for notice and comment, holding that the final 1983 rule represented a radical change from the 1982 proposed rule. In remanding Section 817.121(c)(2) for further comment, the court also found that the 1979 rule requiring the subsidence control plan (Section 784.20(d)) to include the results of the pre-subsidence survey and description of proposed monitoring measures were deleted in the 1983 final rules without adequate notice. Because this rule related to Section 817.121(c)(2) concerning the protection of surface structures, the court ordered the Secretary to request additional public comments on this deletion in conjunction with the comments of 817.121(c)(2). No other alternative to the repromulgation of these rules is being considered because of the court order. Depending upon the number and types of comments received, the 1983 rules may or may not be changed. Consequently the action's potential costs and benefits cannot be assessed.

DOI—OSMRE — Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27910
NPRM Comment Period End	09/16/85	
Final Action	02/17/87	52 FR 4860

Small Entity: No

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1928

RIN: 1029-AA63

1307. RECLAMATION ON PRIVATE LAND

Legal Authority: 30 USC 1238

CFR Citation: 30 CFR 882

Legal Deadline: None.

Abstract: To address concerns raised by Inspector General and States in regulations implementing Lien Provisions of Surface Mining Control and Reclamation Act. Provisions for documenting lien waivers and defining unclear terms will be proposed. State and Federal reclamation programs will expend more time and resources documenting their decisions to waive liens but possibility for windfall profits to private landowners from expenditure of federal funds will be decreased. Satisfaction of liens will result in recovery of federal funds. Rulemaking action suspended.

Timetable:

Action	Date	FR Cite
Withdrawn	02/10/87	

Small Entity: Undetermined

Agency Contact: Helen Richards, Realty Officer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5124 L, 202 343-4650

RIN: 1029-AA68

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-05-T

DEPARTMENT OF THE INTERIOR (DOI) — Proposed Rule Stage

Bureau of Reclamation (RB)

1308. OFF-ROAD VEHICLE USE

Legal Authority: 43 USC 391 et seq

CFR Citation: 43 CFR 420

Legal Deadline: None.

Abstract: This rule governs the use of off-road vehicles on Bureau Lands and provides for the opening of only those lands where the use of such vehicles will not adversely affect associated project features or facilities. The provisions of this rule will be expanded to cover the use of ultralight vehicles, since, by definition, these vehicles are excluded from control of the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Fred Glentke, Chief, Water O&M Branch, Department of the Interior, Bureau of Reclamation, Bldg 67, Federal Center, Denver, CO 80225, 303 776-8081

RIN: 1006-AA06

1309. ● ACREAGE LIMITATION RULES AND REGULATIONS

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: None.

Abstract: This rule will be amended to remove reference to the term "gift" in section 426.16(a).

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Roland Dolly, Special Assistant to the Commissioner, Department of the Interior, Bureau of Reclamation, 1800 C Street, NW, Washington, DC 20240, 202 343-4115

RIN: 1006-AA16

DEPARTMENT OF THE INTERIOR (DOI) — Final Rule Stage

Bureau of Reclamation (RB)

1310. ACREAGE LIMITATION: REVISED PROPOSED RULES AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: Statutory, April 17, 1987.

Abstract: Under the Reclamation Reform Act (RRA) of 1982, districts and individuals have the option of coming under the acreage limitation provisions of the new law or remaining subject to those of prior Reclamation law. Section 203(b) of the RRA provides that districts have 4 1/2 years from the date of enactment of the RRA to amend their existing repayment and water service contracts to come under the RRA provisions. After April 12, 1987, individuals in nonamending districts will be required to pay full cost for water supplied to leased land in excess of 160 acres.

The final rules published in December 1983 did not address implementation of section 203(b). The existing rules need to be revised in order to implement this provision, as required by law.

DOI—RB

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 43742
NPRM Comment Period End	02/05/87	
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: James Cook, Chief, Division of Water and Land, Department of the Interior, Bureau of Reclamation, 18th & C Sts., NW, Washington, DC 20240, 202 343-5104

RIN: 1006-AA15

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Completed Actions

1311. NEWLANDS RECLAMATION PROJECT, NV; TRUCKEE RIVER STORAGE PROJECT, NV; & WASHOE RECLAMATION PROJECT; NV-CA (TRUCKEE & CARSON RIVER BASINS, CA-NV); PYRAMID LAKE INDIAN RESERVATION, NV, ETC

Legal Authority: 43 USC 373; 33 USC 466; 16 USC 703 to 711; 16 USC 715 to 715r; 32 Stat 388; 70 Stat 775; 72 Stat 705

CFR Citation: 43 CFR 418, (Revision)

Legal Deadline: Judicial. The issue is under Judicial deadline imposed by court order, but is being held up by pending legal suits.

Abstract: Allocation of water for irrigation, Indian tribes and endangered species in an area of water shortage as required by the Secretary of the Interior by Court Order orders. See Pyramid Lake Paiute Tribe of Indians v. Morton, 353 F. Supp. 252 (D.D.C. 1973) and Carson-Truckee Water Conservancy District v. Watt, 549 F. Supp. 704 (D. Nev. 1982).

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11515
Withdrawn	02/27/87	

Small Entity: Undetermined

Additional Information: TITLE CONT: Stillwater Area, NV.

New legislation and revised operating criteria are being proposed, therefore the next action is undetermined at this time.

Affected Sectors: 01 Agricultural Production-Crops; 09 Fishing, Hunting, and Trapping

Agency Contact: Kenneth E. Collins, Chief, Water Operations Branch, Department of the Interior, Bureau of Reclamation, 18th & C Streets, NW, Washington, DC 20240, 202 343-5471

RIN: 1006-AA08

[FR Doc. 87-8609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-09-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Proposed Rule Stage

1312. PUBLIC LAND RECORDS

Legal Authority: 5 USC 301; 43 USC 2; 44 USC 3101; 43 USC 13; 43 USC 751; 43 USC 1201; 43 USC 2457; 43 USC 1740

CFR Citation: 43 CFR 1813

Legal Deadline: None.

Abstract: This rule will amend the existing regulations by updating them to reflect and accommodate the transition from the Manual Record System (Tract Books, Master Plats, etc.), to an Automated Records System.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Robert Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA77

1313. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None.

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB20

1314. ● EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2200

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Dave Hemstreet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB28

1315. LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None.

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Jim Crisp, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB19

1316. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB10

1317. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None.

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AB00

1318. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None.

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AA98

1319. RECREATION AND PUBLIC PURPOSES ACT LEASES

Legal Authority: 43 USC 869 et seq

CFR Citation: 43 CFR 2910; 43 CFR 2912

Legal Deadline: None.

Abstract: The rule will amend the existing regulations to implement policy changes as they relate to the granting of public lands for recreation and public purposes under the Recreation and Public Purposes Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AA73

1320. ● LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740; 43 USC 1733; 43 USC 1734

CFR Citation: 43 CFR 2920

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to clarify them, simplify procedures and provide penalties for unauthorized use of public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Annette Jameson, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB29

1321. EXPLORATION ACTIVITY; OIL AND GAS LEASING

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR Group 3100; 43 CFR Group 3200

Legal Deadline: None.

Abstract: This rulemaking will make corrections and modifications to the existing regulations, including procedural changes that have resulted from operations under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2228

RIN: 1004–AA97

1322. EXPLORATION ACTIVITY; OIL AND GAS LEASING, OIL AND GAS LEASING - NATIONAL PETROLEUM RESERVE - ALASKA; GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 301 to 306; 30 USC 351 to 359; 43 USC 1701 et seq; PL 96-514; 40 Op. Atty. Gen. 41

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3130; 43 CFR 3200

Legal Deadline: None.

Abstract: This rule would amend the existing regulations as they relate to bond coverage for oil and gas and geothermal resources. As a result of comments and a study by a special Task Force, several alternatives for bonding have been identified. These alternatives will be addressed in a second proposed rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	50 FR 18614
NPRM Comment Period End	07/01/85	50 FR 18614
NPRM	04/00/87	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB13

1323. ● OIL AND GAS LEASING

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to permit the current lessee of an oil and gas interest to obtain a Federal lease for the same minerals without competitive bidding when those minerals vest in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB30

1324. ● OIL AND GAS LEASING - FEES, RENTALS AND ROYALTIES

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100

Legal Deadline: None.

Abstract: This rule would amend the existing regulations to maintain all noncompetitive lease rentals at $1 per acre per year. This change would primarily be applicable to those noncompetitive leases that are later determined to be included in a known geologic structure.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB31

1325. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The Order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AA66

1326. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM	05/00/87	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey. This rulemaking is being delayed to afford additional review of its impact on the domestic oil and gas industry.

Agency Contact: George F. Brown, Assistant Director, Fluid Leasable Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004-AA67

1327. ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4- MEASUREMENT OF CRUDE OIL

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None.

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order will also contain inspection standards.

This is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AA96

1328. ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the uniform national minimum standards of performance which are expected for drilling operations on Federal and Indian (except Osage) lands. It also will contain enforcement actions that will result from failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AB21

1329. ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 1701 et seq.; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3161.3; 43 CFR 3162.7-1; 43 CFR 3162.7-4

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order supplements the minimum standards found in the regulations at 43 CFR 3162.7-4(b), (c) and (d).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Additional Information: This rulemaking is being delayed to afford additional review of its impact on the domestic oil and gas industry.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AB24

1330. ● ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None.

Abstract: This rule will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing delegations of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB32

1331. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None.

Abstract: This rulemaking will revise provisions of former 30 CFR 270 which was transferred to the Bureau from the Minerals Management Service and amend the geothermal leasing provisions which regulate geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AB18

1332. ● SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: PL 90-554

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None.

Abstract: Existing regulations permit timber export and purchase volumes to "rachet" upward at a questionable rate, leading to substitution. The existing regulations need simplification. The rule would correct both of these concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Gary Ryan, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB34

1333. COMPETITIVE LEASING; ENVIRONMENT

Legal Authority: 30 USC 181 et seq; 30 USC 201a; 30 USC 351 to 359; 30 USC 1201 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3420; 43 CFR 3460

Legal Deadline: None.

Abstract: This rule will modify the existing regulations as they relate to the 20 coal unsuitability criteria and their application during the Bureau of Land Management's land use planning process. The changes made by the rule

are a result of the Office of Technology Assessment's study of the Federal coal programs treatment of environmental issues.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Walter Rewinski, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 3600, Main Interior Bldg., Washington, DC 20240, 202 343-6821

RIN: 1004-AB25

1334. ● NONCOMPETITIVE LEASES

Legal Authority: 30 USC 201(b)

CFR Citation: 43 CFR 3430

Legal Deadline: None.

Abstract: This rule will provide detailed procedures for use in processing preference right lease applications for coal and will allow full public participation throughout the administrative process and will comply with the court order and opinion in Natural Resources Defense Council v. Berklund.

Timetable:

Action	Date	FR Cite
NPRM	02/20/87	52 FR 5398
NPRM Comment Period End	03/23/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-4774

RIN: 1004-AB33

1335. ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF NATURAL GAS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement of the volumes of natural gas produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. The order also will contain inspection standards. This order is to be referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB22

1336. OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3570

Legal Deadline: None.

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AA68

1337. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None.

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Proposed Rulemaking	12/27/82	47 FR 57521
NPRM	08/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: Eugene Carlet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004-AB04

1338. GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315a to 315r; 43 USC 1701 et seq; 43 USC 118(d); 43 USC 1901 et seq

CFR Citation: 43 CFR 4100

Legal Deadline: None.

Abstract: The amendment made by this rulemaking would bring the existing regulations into compliance with the decision in Natural Resources Defense Council, Inc. v. Hodel, et al., No. CIV. S-84-616 RAR (1985). It also would update the existing regulations to have them conform to recent grazing policy changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Billy R. Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9195

RIN: 1004-AB23

1339. PROTECTION OF SPECIAL STATUS PLANTS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 6850

Legal Deadline: None.

Abstract: This rule will provide the procedure for protecting rare plants located on the public lands. The uncontrolled collection of these rare plants will endanger their existence.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: William H. Radtkey, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9202

RIN: 1004-AB09

1340. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None.

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA69

1341. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None.

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM - Second	11/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 USC 3501 et seq and assigned clearance number 1004-0100. Originally scheduled: 07/80.

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-3207

RIN: 1004-AA27

1342. RECREATION; GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None.

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Rodger Schmitt, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA35

1343. OFF-ROAD VEHICLES

Legal Authority: 43 USC 1201; 43 USC 315a; 16 USC 1531 et seq; 16 USC 1281c; 16 USC 670 et seq; 16 USC 4601 to 6a; 16 USC 1241 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 8340

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to clarify some of the definitions to remove confusion that has arisen since the implementation of the existing regulations and to improve the public notification process provided by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: Richard E. Traylor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 2661, Main Interior Bldg., Washington, DC 20240, 202 343-9353

RIN: 1004-AB26

1344. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Bernard W. Hostrop, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004-AB07

1345. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None.

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact

heading for address). Originally scheduled: April 1981.

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004-AA38

DEPARTMENT OF THE INTERIOR (DOI) — Final Rule Stage
Bureau of Land Management (BLM)

1346. OPENING AND CLOSING LANDS

Legal Authority: 43 USC 1740; 43 USC 1201

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to: (1) clarify how and when specific actions close or open public lands; (2) provide the procedure under which information concerning opening and closing of public lands will be published in the Federal Register; and (3) eliminate confusion about when lands are open or closed by specifying if and when the record notation rule will apply.

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	50 FR 24124
NPRM Comment Period End	08/08/85	50 FR 24124
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Agency Contact: Claire Newcomer, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-6846

RIN: 1004-AA78

1347. ALASKA STATE SELECTION

Legal Authority: 94 Stat. 2437

CFR Citation: 43 CFR Subpart 2627

Legal Deadline: None.

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 48400
Final Action	08/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: January 1981.

Agency Contact: Robert Faithful, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-6511

RIN: 1004-AA12

1348. RIGHTS-OF-WAY: PRINCIPLES AND PROCEDURES

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 185

CFR Citation: 43 CFR 2800

Legal Deadline: None.

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants (2803.1-1; 2883.1-1).

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 2110
NPRM	07/25/86	51 FR 26836
NPRM Comment Period End	10/28/86	51 FR 33279
Final Action	03/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1982.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA17

1349. RIGHTS-OF-WAY; PRINCIPLES AND PROCEDURES; OIL AND NATURAL GAS PIPELINES AND RELATED FACILITIES, GENERAL

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 181 et seq

CFR Citation: 43 CFR 2800; 43 CFR 2880

Legal Deadline: None.

Abstract: This rule will amend the existing right-of-way regulations to provide a clear and streamlined procedure for setting the annual rental for rights-of-way.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19049
ANPRM Comment Period End	07/03/84	49 FR 19049
ANPRM - Second	01/18/85	50 FR 2697
ANPRM - Second	03/19/85	50 FR 2697
NPRM	09/05/86	51 FR 31886
NPRM Comment Period End	10/20/86	51 FR 31886
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA74

1350. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3170

Legal Deadline: None.

Abstract: This rulemaking will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing cooperative agreements with States and Indian tribes for inspection and enforcement. It will also provide the procedures for delegation of authority to States in connection with oil and gas operations.

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DOI—BLM

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/14/86	51 FR 36585
NPRM Comment Period End	12/15/86	51 FR 36565
Final Action	04/00/87	

Small Entity: No

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004-AB17

1351. USE AUTHORIZATIONS; SPECIAL RECREATION PERMITS

Legal Authority: 43 USC 1201 et seq; 43 USC 1701 et seq; 43 USC 1181a; 16 USC 460 to 6a

CFR Citation: 43 CFR Subpart 8372

Legal Deadline: None.

Abstract: This rule is being revised to reflect revised, special recreation policies.

Timetable:

Action	Date	FR Cite
NPRM	09/16/85	50 FR 37555
NPRM Comment Period End	11/15/85	50 FR 37555
Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (See Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Gary Marsh, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA36

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

1352. DESERT LAND ENTRIES

Legal Authority: 43 USC 321 to 323

CFR Citation: 43 CFR 2520

Legal Deadline: None.

Abstract: This rule will revise the existing regulation to streamline and simplify its provisions, while removing burdensome and obsolete provisions.

Timetable:

Action	Date	FR Cite
Withdrawn	03/00/87	

Small Entity: No

Additional Information: Studies of this regulation have resulted in a decision to delay any action until a complete review is finished. This item is removed from the Agenda.

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB11

1353. AIRPORT LEASES

Legal Authority: 43 USC 1201; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 2911

Legal Deadline: None.

Abstract: This rule would be revised to: remove from the regulations those provisions repealed by the Federal Land Policy and Management Act of 1976 relating to withdrawals of beacon lights and air navigation facilities; to impose an increased application service fee; and to update the provisions relating to the setting of rental charges for lands leased for airport purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33578
NPRM Comment Period End	10/21/85	50 FR 33578
Final Action	11/10/86	51 FR 40807
Final Action Effective	12/10/86	51 FR 40807

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1983.

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA49

1354. ONSHORE OIL AND GAS OPERATIONS - NONCOMPLIANCE AND ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 188; 30 USC 189; 30 USC 359; 30 USC 1701 et seq; 25 USC 396; 25 USC 396d

CFR Citation: 43 CFR 3163

Legal Deadline: None.

Abstract: This rule will amend the recently codified regulations implementing the Federal Oil and Gas Royalty Management Act to address concerns raised about the impact of the regulations on industry.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/85	50 FR 11517
ANPRM Comment Period End	05/21/85	50 FR 11517
NPRM	01/30/86	51 FR 3882
NPRM Comment Period End	04/15/86	51 FR 7295
Final Action	02/20/87	52 FR 5384

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735. This rulemaking is being delayed to afford additional review of its impact on the domestic oil gas industry.

Agency Contact: George F. Brown, Assistant Director, Fluid Leasable Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB05

1355. COAL MANAGEMENT PROVISIONS AND LIMITATIONS

Legal Authority: 30 USC 201(a)(2)(A)

CFR Citation: 43 CFR 3470

Legal Deadline: None.

DOI—BLM

Completed Actions

Abstract: This rule will revise the existing regulations to reflect certain needed changes to comply with the provisions of section 2(a)(2)(A) of the Mineral Leasing Act of 1920, as amended and supplemented.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37202
NPRM Comment Period End	11/19/86	51 FR 37202
Final Action	12/05/86	51 FR 43910
Final Action Effective	12/05/86	51 FR 43910

Small Entity: No

Agency Contact: Paul Politzer, Department of the Interior, Bureau of Land Management, Room 3411, Main Interior Bldg., 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AB27

[FR Doc. 87-8609 Filed 04-24-87; 8:45 am]

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DEPARTMENT OF THE INTERIOR (DOI)

Office of the Secretary (OS)

Prerule Stage

1356. ● NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Judicial, March 15, 1987. Judicial deadline requires statement concerning special resources by 3/15/87

Abstract: In the natural resource damage assessment regulations, published as a proposed rule 12/20/85, there was an exception proposed to the general common law rule of damages (that damages are calculated as the lesser of: restoration or replacement costs; or diminution of use value) for a certain class of resources called "special resources," those resources were viewed as requiring special protection. Due to the large number of diverse comments on this issue, the "special resources" exception was deleted from the final type B rule (published on 08/01/86) and further comments were requested. This submittal is to address those comments and the issue of special resources.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: None

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Office of the Secretary, 18th and C Sts., NW, Washington, DC 20240, 202 343-1301

RIN: 1093-AA04

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Secretary (OS)

Proposed Rule Stage

1357. ● NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE B AMENDMENTS

Legal Authority: 42 USC 9651(c)(1) CERCLA as amended

CFR Citation: 43 CFR 11

Legal Deadline: Statutory, April 17, 1987. SARA calls for any necessary amendments to be prepared within 6 months of enactment of SARA (Oct. 17, 1986).

Abstract: CERCLA allows trustees of natural resources that have been damaged by a release of a hazardous substance or a discharge of oil to bring a claim against the potentially responsible party of the Superfund. Section 301(c) requires the development of regulations for the assessment of damages to natural resources. Two sets of regulations are required by the Act: a set of simplified procedures that require minimal field investigations, referred to as the type A procedures, and a set of alternative procedures for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. The Superfund Amendments and Reauthorization Act of 1986 (SARA), enacted on October 17, 1986, amended certain sections of CERCLA that pertain to natural resource damages and the Section 301(c) damage assessment regulations. This submittal covers the amendments required to the Section 301(c) damage assessment regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	
NPRM Comment Period End	04/13/87	
Final Action	07/02/87	
Final Action Effective	08/02/87	

Small Entity: No

Affected Sectors: None

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Office of the Secretary, Department of the Interior, 18th & C Sts., NW, Washington, DC 20240, 202 343-1301

RIN: 1093-AA05

[FR Doc. 87-8609 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

48 CFR Ch. 28

Regulatory Agenda

AGENCY: Justice Management Division, Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its April 1987 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 87-6, December 4, 1986.

FOR FURTHER INFORMATION CONTACT: Terry Samuels, Executive Secretariat, Justice Management Division, Department of Justice, Room 1110, 10th and Constitution Avenue, NW., Washington, DC 20530 (202-633-3123).

SUPPLEMENTARY INFORMATION: The Department has identified 35 current and projected rulemakings for inclusion in the agenda.

DATED: March 11, 1987.

Harry H. Flickinger,

Acting Assistant Attorney General for Administration.

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1358	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Justice Programs	1190-AA16
1359	Unfair Immigration - Related Employment Practices	1190-AA17

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1360	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03
1361	Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups	1190-AA15

Civil Rights Division—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1362	Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, as Amended	1190-AA05

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1363	Executive Office for Immigration Review Representation and Appearances	1103-AA03
1364	Representation and Appearances	1103-AA05
1365	Motions to Reopen Deportation Proceedings	1103-AA07
1366	Justice Acquisition Regulations Title 48 2801 Career Management Program	1103-AA10
1367	Justice Acquisition Regulations Title 48 2822 Nondiscrimination on the Basis of Handicap in DOJ Contracting Activities	1103-AA11
1368	Suspension of Deportation and Voluntary Departure	1103-AA13

DOJ

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1369	Appeal of Section 212(c) Waiver Applications	1103-AA06
1370	Procedural Rules for Immigration Judge Proceedings	1103-AA08
1371	Office of the Chief Special Inquiry Officer; Designation of Judges	1103-AA12

Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1372	Asylum Procedures	1115-AA13
1373	Seizure and Forfeiture of Vehicles, Vessels and Aircraft	1115-AA26
1374	Inspection of Persons Applying for Admission	1115-AA27
1375	Immigration User Fee	1115-AA30
1376	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Judicial Recommendations Against Deportation; Proceedings to Determine Deportability	1115-AA34

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1377	Nonimmigrant Classes; Temporary Employees and Intracompany Transferees	1115-AA18
1378	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits	1115-AA19
1379	Nonimmigrant Classes: Change of Nonimmigrant Classification	1115-AA24
1380	Nonimmigrant Classes; Temporary Employees	1115-AA25
1381	Powers and Duties of Service Officers; Availability of Service Records	1115-AA28
1382	Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes	1115-AA29
1383	Adjustment of Status to that of Persons Admitted for Permanent Residence; Creation of Records of Lawful Admission of Permanent Residence	1115-AA31
1384	Marriage Fraud Amendment Regulations	1115-AA32

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1385	Certificates of Citizenship; Examination upon Application; Naturalization and Citizenship Papers Lost, Mutilated, or Destroyed; New Certificate in Changed Name	1115-AA15
1386	Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing and Appeal; Order to Show Cause and Notice of Hearing	1115-AA20
1387	Powers and Duties of Service Offices; Availability of Service Records	1115-AA21
1388	Nonimmigrant Classes	1115-AA23

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1389	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05

DOJ

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1390	Equal Employment Opportunity Program Guidelines	1121-AA10
1391	Criminal Intelligence Systems Operating Policies	1121-AA12

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1392	Nondiscrimination in Federal Assisted Programs -- Implementation of Section 809 (c) (1) of the Justice Assistance Act of 1984	1121-AA11

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Proposed Rule Stage

1358. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF JUSTICE PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 28 CFR 42

Legal Deadline: None.

Abstract: This proposed regulation would amend the regulation issued by the Department of Justice for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
Final Action	03/31/87	

Small Entity: No

Agency Contact: Merrily Raffa, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-2216

RIN: 1190-AA16

1359. ● UNFAIR IMMIGRATION - RELATED EMPLOYMENT PRACTICES

Legal Authority: PL 99-603, Sec 102 Immigration Reform and Control Act of 1986

CFR Citation: 28 CFR 44

Legal Deadline: None.

Abstract: This rule establishes standards and procedures for the enforcement of section 102 of the Immigration Reform and Control Act of 1986, which prohibits certain unfair immigration-related employment practices.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	03/31/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Philip Breen, Attorney, Department of Justice, Civil Rights Division, Coordination & Review Section, Washington, DC 20530, 202 724-2226

RIN: 1190-AA17

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Final Rule Stage

1360. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart I, (New)

Legal Deadline: None.

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office

DOJ—CRT **Final Rule Stage**

of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	45 FR 32710
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	00/00/00	

Small Entity: No

Agency Contact: Doreen Dennis, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-2219

RIN: 1190-AA03

1361. IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a; 42 USC 1973aa-2

CFR Citation: 28 CFR 55

Legal Deadline: None.

Abstract: Revision of the minority language guidelines is needed to conform them to new determinations of coverage and to changes mandated by the 1982 Amendments to the Voting Rights Act, PL 97-205. Affected entities and interested persons will have more accurate information with respect to the application of the minority language requirements of the Voting Rights Act.

Timetable:

Action	Date	FR Cite
Final Action	03/31/87	
Final Action Effective	03/31/87	

Small Entity: Not Applicable

Agency Contact: David H. Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA15

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Completed Actions

1362. PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

Significance: Regulatory Program

CFR Citation: 28 CFR 51

Completed:

Reason	Date	FR Cite
Final Action	01/06/87	52 FR 486
Final Action Effective	02/05/87	

Small Entity: Not Applicable

Agency Contact: David Hunter 202 724-5898

RIN: 1190-AA05

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1363. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW REPRESENTATION AND APPEARANCES

Significance: Agency Priority

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.3; 8 CFR 3.1

Legal Deadline: None.

Abstract: The contemplated regulation change would revise the procedure by which attorneys and representatives may be disbarred or suspended. It provides for a hearing and decision by an immigration judge, with appeal rights to the Board of Immigration Appeals and some limited review by the Attorney General. The change is desirable since it eliminates procedural entanglements between the Service and the immigration judges which exist in the current procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2948
NPRM Comment Period End	03/02/87	52 FR 2948
Reviewing NPRM Comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA03

1364. REPRESENTATION AND APPEARANCES

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Legal Deadline: None.

Abstract: The contemplated regulation change would limit practice of foreign-licensed attorneys outside the definition of attorney under 8 CFR 1.1(f) to matters arising outside the United States and to those instances where the Immigration and Naturalization Service allows such practice. This is designed to help assure the high quality of representation in immigration matters.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2951
NPRM Comment Period End	03/02/87	52 FR 2951
Reviewing NPRM Comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration

Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA05

1365. MOTIONS TO REOPEN DEPORTATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1252

CFR Citation: 8 CFR 242

Legal Deadline: None.

Abstract: The contemplated revision would delete the language allowing an application for adjustment of status under section 245 of the Immigration and Nationality Act, filed by itself, to be considered as a motion to reopen in deportation proceedings. The practice of allowing such applications to be treated as motions to reopen has resulted in confusion and administrative delay. This revision would treat motions to reopen for adjustment of status as any other motion to reopen. It is designed to eliminate the administrative difficulties involved with the filing of a bare adjustment of status application with no indication of whether or not it is a motion to reopen.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2949
NPRM Comment Period End	03/02/87	52 FR 2949
Reviewing NPRM comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA07

1366. JUSTICE ACQUISITION REGULATIONS TITLE 48 2801 CAREER MANAGEMENT PROGRAM

Legal Authority: EO 12352

CFR Citation: 48 CFR 2801

Legal Deadline: None.

Abstract: 48 CFR 2801. The rules will enhance the qualifications and professionalism of the Department's procurement workforce. There will be no cost to the public. Benefits will include more competitive contracting and lower costs to the Government in the purchase of supplies and services.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: W. L. Vann, Acting Procurement Executive, Department of Justice, General Administration, 601 D Street, NW, Room 9000, Washington, DC 20530, 202 272-8354

RIN: 1103-AA10

1367. JUSTICE ACQUISITION REGULATIONS TITLE 48 2822 NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DOJ CONTRACTING ACTIVITIES

Legal Authority: 29 USC 794; EO 12352

CFR Citation: 48 CFR 2822

Legal Deadline: None.

Abstract: 48 CFR 2822. The rules will prohibit discrimination against the handicapped in agency programs or activities conducted by contractors. The rules will not have a significant cost impact on contractors but will enhance services to the handicapped and prevent discrimination.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: W. L. Vann, Acting Procurement Executive, Department of Justice, General Administration, 601 D Street, NW, Room 9000, Washington, DC 20530, 202 272-8354

RIN: 1103-AA11

1368. ● SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1252; 8 USC 1254

CFR Citation: 8 CFR 244.2

Legal Deadline: None.

Abstract: The proposed revision would give INS district directors the sole authority to reinstate or extend voluntary departure, except in limited circumstances. This is being done to simplify and streamline voluntary departure adjudications.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2950
NPRM Comment Period End	03/02/87	52 FR 2950
Reviewing NPRM Comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Department of Justice, General Administration, 5203 Leesburg Pike, Suite 1609, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA13

DEPARTMENT OF JUSTICE (DOJ)

General Administration (DOJADM)

Completed Actions

1369. APPEAL OF SECTION 212(C) WAIVER APPLICATIONS

Significance: Agency Priority

CFR Citation: 8 CFR 3; 8 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	01/29/87	52 FR 2942
Final Action Effective	03/02/87	52 FR 2942

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA06

DOJ—DOJADM

Completed Actions

1370. PROCEDURAL RULES FOR IMMIGRATION JUDGE PROCEEDINGS

Significance: Agency Priority

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 208; 8 CFR 236; 8 CFR 242; 8 CFR 243; 8 CFR 246; 8 CFR 292

Completed:

Reason	Date	FR Cite
Final Action	01/29/87	52 FR 2931
Final Action Effective	03/02/87	52 FR 2931

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA08

1371. ●OFFICE OF THE CHIEF SPECIAL INQUIRY OFFICER; DESIGNATION OF JUDGES

Significance: Agency Priority

CFR Citation: 8 CFR 3.11; 8 CFR 103.8; 8 CFR 103.10

Completed:

Reason	Date	FR Cite
Final Action	01/29/87	52 FR 2941
Final Action Effective	01/29/87	52 FR 2941

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA12

DEPARTMENT OF JUSTICE (DOJ)

Prerule Stage

Immigration and Naturalization Service (INS)

1372. ASYLUM PROCEDURES

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f)

Legal Deadline: None.

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-5463

RIN: 1115-AA13

1373. SEIZURE AND FORFEITURE OF VEHICLES, VESSELS AND AIRCRAFT

Legal Authority: 8 USC 1324

CFR Citation: 8 CFR 274

Legal Deadline: None.

Abstract: The proposed changes would amend existing regulations relating to the seizure and forfeiture of vehicles, vessels and aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Paul Virtue, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2656

RIN: 1115-AA26

1374. INSPECTION OF PERSONS APPLYING FOR ADMISSION

Legal Authority: 31 USC 9701

CFR Citation: 8 CFR 235.11

Legal Deadline: None.

Abstract: This proposed rule would amend existing regulations to charge carriers for the administrative costs and the Service's portion of the Social Security taxes associated with billable 1931 Act overtime.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	
ANPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-4705

RIN: 1115-AA27

1375. ● IMMIGRATION USER FEE

Legal Authority: 8 USC 1356; PL 99-500

CFR Citation: 8 CFR 286

Legal Deadline: None.

Abstract: This proposed rule would add a new 8 CFR 286 to reflect certain provisions of the DOJ Appropriation Act of 1987, concerning the collection and remittance of the Immigration User Fee.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Charles S. Thompson, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, 202 633-4705

RIN: 1115-AA30

1376. ● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; PROCEEDINGS TO DETERMINE DEPORTABILITY

Legal Authority: 8 USC 1182(a)(23); 8 USC 1251(a)(11); 8 USC 1252(i); 8 USC 1357(d); PL 99-570; PL 99-603

DOJ—INS

Prerule Stage

CFR Citation: 8 CFR 212.3(a) & (b); 8 CFR 241.1(a) & (b); 8 CFR 242.2; 8 CFR 287.1(g) to (i); 8 CFR 287.7(a) to (f)

Legal Deadline: None.

Abstract: The changes would amend the present rules by (1) addition of supplementary definitions to those already found in the regulations; (2) establishment of procedures for expeditious processing of aliens convicted of offenses which render them deportable from the United States; and (3) establishment of procedures for making determinations necessary as to issuing detainers against aliens arrested for controlled substance violations. These changes are necessitated by the provisions of two recently passed statutes relating to criminal aliens and alien narcotics traffickers, which amended certain provisions of the INA: the Anti-Drug Abuse Act of 1986, Pub. L. 99-570; and the Immigration Reform and Control Act of 1986, Pub. L. 99-603. Prompt establishment of the procedures contained in this rule is necessary to ensure that Service operations are conducted in a manner consistent with the Congressional intent of both Acts.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Walter D. Cadman, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3098

RIN: 1115-AA34

DEPARTMENT OF JUSTICE (DOJ)

Final Rule Stage

Immigration and Naturalization Service (INS)

1377. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES AND INTRACOMPANY TRANSFEREES

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(h); 8 CFR 214.2(l)

Legal Deadline: None.

Abstract: This proposed rule would amend existing regulations relating to temporary employees and intracompany transferees to clarify the requirements for eligibility and facilitate public understanding of the adjudication process.

Timetable:

Action	Date	FR Cite
NPRM	05/21/86	51 FR 18591
NPRM Comment Period End	07/31/86	51 FR 24533
Final Action	02/00/87	
Final Action Effective	03/00/87	

Small Entity: No

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3240

RIN: 1115-AA18

1378. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.7(d)

Legal Deadline: None.

Abstract: This final rule outlines requirements for approval of section 212(k) waivers, including an amended I-193 for use in making the application.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: Kathryn Sheehan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2725

RIN: 1115-AA19

1379. NONIMMIGRANT CLASSES: CHANGE OF NONIMMIGRANT CLASSIFICATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1257; 8 USC 1258

CFR Citation: 8 CFR 214.2(f); 8 CFR 214.3(g); 8 CFR 248.1(e)

Legal Deadline: None.

Abstract: This proposed rule would change service regulations relating to nonimmigrant students in educational institutions in the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/04/86	51 FR 27867
NPRM Comment Period End	10/03/86	51 FR 27867
Final Action	00/00/00	

Small Entity: No

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3320

RIN: 1115-AA24

1380. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None.

Abstract: This proposed rule would amend Service regulations relating to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration & Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3946

RIN: 1115-AA25

DOJ—INS

Final Rule Stage

1381. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(b)

Legal Deadline: None.

Abstract: This proposed rule would authorize a district director to withhold adjudication of a visa petition or application when determined necessary to pursue a criminal investigation.

Timetable:

Action	Date	FR Cite
NPRM	05/30/86	51 FR 19559
NPRM Comment Period End	07/29/86	51 FR 19559
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Lori Scialabba, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3197

RIN: 1115-AA28

1382. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1351; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 103.1(f)(1); 8 CFR 214.4

Legal Deadline: None.

Abstract: This proposed rule would revise the procedures and authority to withdraw approval of a school to enroll foreign students.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40207
NPRM Comment Period End	01/05/87	51 FR 40207
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: Lori Scialabba, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3197

RIN: 1115-AA29

1383. ● ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE; CREATION OF RECORDS OF LAWFUL ADMISSION OF PERMANENT RESIDENCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255; 8 USC 1257; 8 USC 1259

CFR Citation: 8 CFR 245.1; 8 CFR 245.6; 8 CFR 245.7; 8 CFR 245.8; 8 CFR 245.9; 8 CFR 249.2

Legal Deadline: Statutory, May 5, 1987.

Abstract: This interim rule will implement sections 117, 202, and 203 of the Immigration Reform and Control Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3320

RIN: 1115-AA31

1384. ● MARRIAGE FRAUD AMENDMENT REGULATIONS

Legal Authority: PL 99-639

CFR Citation: 8 CFR 204.1; 8 CFR 205.1; 8 CFR 211.1; 8 CFR 212.7; 8 CFR 214.2; 8 CFR 216.1; 8 CFR 216.2; 8 CFR 216.3; 8 CFR 216.4; 8 CFR 216.5; 8 CFR 223.2; 8 CFR 223a.4; 8 CFR 235.11; 8 CFR 242.7; 8 CFR 242.17; ...

Legal Deadline: None.

Abstract: The interim rule would establish regulations for implementation of the Marriage Fraud Amendments Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	

Small Entity: No

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3946

RIN: 1115-AA32

DEPARTMENT OF JUSTICE (DOJ)

Immigration and Naturalization Service (INS)

Completed Actions

1385. CERTIFICATES OF CITIZENSHIP; EXAMINATION UPON APPLICATION; NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME

CFR Citation: 8 CFR 341.2(A); 8 CFR 343A.1

Completed:

Reason	Date	FR Cite
Final Action	10/07/86	51 FR 35628
Final Action Effective	11/06/86	51 FR 35628

Small Entity: No

Agency Contact: Raymond R. Jaroneski, Jr. 202 633-5014

RIN: 1115-AA15

1386. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; ORDER TO SHOW CAUSE AND NOTICE OF HEARING

CFR Citation: 8 CFR 242.1(A)

Completed:

Reason	Date	FR Cite
Final Action	09/25/86	51 FR 34081
Final Action Effective	09/25/86	51 FR 34081

Small Entity: No

Agency Contact: Gregory S. Bednarz 202 633-2997

RIN: 1115-AA20

DOJ—INS

Completed Actions

1387. POWERS AND DUTIES OF SERVICE OFFICES; AVAILABILITY OF SERVICE RECORDS

CFR Citation: 8 CFR 103.7(B)(1)

Completed:

Reason	Date	FR Cite
Final Action	11/04/86	51 FR 39993
Final Action Effective	12/04/86	51 FR 39993

Small Entity: No

Agency Contact: Charles S. Thomason, Jr. 202 633-4705

RIN: 1115-AA21

1388. NONIMMIGRANT CLASSES

CFR Citation: 8 CFR 214.2(b)(3)

Completed:

Reason	Date	FR Cite
Final Action	12/09/86	51 FR 44266
Final Action Effective	01/08/87	51 FR 44266

Small Entity: No

Agency Contact: Michael L. Shaul 202 633-3946

RIN: 1115-AA23

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1389. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None.

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	09/00/87	
Final Action	12/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Legal Activities, 633 Indiana Ave., NW, Room 1268, Washington, DC 20531, 202 724-7792

RIN: 1105-AA05

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1390. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.301

Legal Deadline: None.

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title IV of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121-AA10

1391. ● CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3789(g) (c) and (d)

CFR Citation: 28 CFR 23

Legal Deadline: None.

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, Pub. L. 98-473, and clarification of policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0

Government Levels Affected: Local, State

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Rm. 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121-AA12

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1392. NONDISCRIMINATION IN FEDERAL ASSISTED PROGRAMS – IMPLEMENTATION OF SECTION 809 (C) (1) OF THE JUSTICE ASSISTANCE ACT OF 1984

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.201

Legal Deadline: None.

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121-AA11

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federal register

Monday
April 27, 1987

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1987 and April 1988.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Acting Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the Agency Contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the unified agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1987.

William E. Brock,

Secretary of Labor.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1393	Right to Financial Privacy Act	1290-AA05
1394	Implementation of the Program Fraud Civil Remedies Act	1290-AA07

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1395	Debt Collection Act Regulations: Salary Offset	1290-AA04

DOL

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1396	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1397	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1398	Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/WH)	1215-AA07
1399	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
1400	Employment of Handicapped Workers Under Special Certificates	1215-AA34
1401	Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts (ESA/W-H)	1215-AA35
1402	Claims for Compensation Under the War Hazards Compensation Act	1215-AA42
1403	Labor Standards for Foreign Agricultural Workers	1215-AA43
1404	Migrant and Seasonal Agricultural Worker Protection	1215-AA44

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1405	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1406	Black Lung: Obligations of Lessors for Claims for Benefits (ESA/OWCP)	1215-AA03
1407	Records to be Kept by Employers (ESA/W-H)	1215-AA22
1408	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33
1409	Employment of Homeworkers in Certain Industries	1215-AA36

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1410	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involved the Operation of Bakery Machines (ESA/W-H)	1215-AA20
1411	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Slaughtering and Related Occupations (ESA/W-H)	1215-AA21
1412	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Motor Vehicle Drivers and Helpers (ESA/W-H)	1215-AA23
1413	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AA29
1414	Application of the Fair Labor Standards Act to State and Local Government Agencies	1215-AA41

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1415	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
1416	Review SESA Administrative Financing System	1205-AA51
1417	Labor Surplus Area Program Population Criteria Change as Revised by PL 99-272	1205-AA62

DOL

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1418	Airline Deregulation: Employee Benefit Program	1205-AA07
1419	Limitations on Tax Credit Reductions and Interest on Advances to States	1205-AA14
1420	Unemployment Compensation for Ex-Servicemembers	1205-AA26
1421	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43
1422	Disaster Unemployment Assistance Program (DUA)	1205-AA50
1423	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1424	Certification of Eligibility to Apply for Worker Adjustment Assistance	1205-AA58
1425	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: The H-2A Program	1205-AA59
1426	Implementation of Job Training Partnership Act Amendments of 1986	1205-AA60
1427	Refocus of the Public Employment Service	1205-AA63

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1428	Federal-State Extended Unemployment Compensation Act of 1970	1205-AA15
1429	Unemployment Insurance Quality Control Program	1205-AA28
1430	Senior Community Service Employment Program	1205-AA29
1431	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA33
1432	Administrative Procedure	1205-AA46
1433	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Moritana Adverse Effect Wage Rate	1205-AA48
1434	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Adverse Effect Wage Rates for Idaho Oregon	1205-AA52
1435	Job Training Partnership Act Audits	1205-AA53
1436	Preference in Federal Procurement For Labor Surplus Areas Under Executive Orders 12073 and 10582	1205-AA55
1437	Labor Certification Process for Permanent Employment of Aliens in the United States; Establishment of Board of Alien Labor Certification Appeals	1205-AA57

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1438	Trade Adjustment Assistance for Workers	1205-AA17
1439	Piece Rate Adjustments	1205-AA30
1440	Trade Adjustment Assistance for Workers	1205-AA31
1441	Work Incentive Programs for Aid to Families with Dependent Children Recipients under Title IV of the Social Security Act	1205-AA45

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1442	Participant Directed Individual Account Plans	1210-AA08
1443	Loans to Participants	1210-AA09
1444	Adequate Consideration	1210-AA15
1445	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1446	Top Hat Plans	1210-AA21
1447	Proposed Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25
1448	Prohibited Transaction Exemption Procedures	1210-AA26
1449	Exemption From FERSA Bonding Requirements For Certain Federal Employees	1210-AA27

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Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1450	Individual Benefit Reporting - Recordkeeping - Multiple Employer Plans	1210-AA02
1451	Individual Benefit Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1452	Definition of Plan Assets -- Employee Contributions	1210-AA16
1453	Procedures for Administrative Imposition of Civil Sanctions	1210-AA20
1454	Amount Of Bond For FERS Thrift Savings Fund	1210-AA28
1455	Adoption of Temporary Bonding Regulations Under ERISA Section 412 for Purposes Of FERSA Section 8478	1210-AA29

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1456	Plan Assets Regulation	1210-AA06
1457	Exemption and Alternative Method of Compliance for Annual Reporting of Certain Entities	1210-AA14

Office of Labor Management Standards—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1458	General Statement Concerning the Election Provisions of the Labor-Management Reporting and Disclosure Act of 1959 Characteristics of Candidates	1294-AA02

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1459	Review of Self-Contained Self Rescue Devices (SCSR) Standards Applicable to Coal Mining	1219-AA08
1460	Review of Hoisting and Transportation of Persons and Material Standards Applicable to Coal Mining	1219-AA12
1461	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1462	Surface Coal Mine Electrical Standards	1219-AA32
1463	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1464	Pattern of Violations	1219-AA04
1465	Underground Coal Mine Electrical Standards	1219-AA10
1466	Underground Coal Mine Ventilation	1219-AA11
1467	Review of Metal and Nonmetal Electricity Standards	1219-AA14
1468	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1469	Metal and Nonmetal Air Quality Standards	1219-AA21
1470	Approval Requirements for Explosives and Sheathed Explosive Units	1219-AA23
1471	Mine Plan Approvals	1219-AA26
1472	Metal and Nonmetal Radiation Standards	1219-AA28
1473	Approval Criteria for Respiratory Protective Devices	1219-AA30

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Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1474	Procedures for Approval of Mining Equipment	1219-AA06
1475	Underground Coal Mine Roof Control	1219-AA13
1476	Metal and Nonmetal Gassy Mines	1219-AA15
1477	Explosives and Blasting in Underground Coal Mines	1219-AA16
1478	Safety Standards for Loading, Hauling and Dumping at Metal and Nonmetal Mines	1219-AA18
1479	Safety Standards for Machinery and Equipment at Metal and Nonmetal Mines	1219-AA19
1480	Updating Fees Associated with Equipment Approvals	1219-AA29

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1481	Metal and Nonmetal Ground Control Standards	1219-AA22

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1482	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1483	Department of Labor Acquisition Regulation (DOLAR) Implementation of Competition in Contracting Act of 1984 (CICA) (Pub. L. 98-369) into DOLAR	1291-AA06
1484	Public Contracts and Property Management; Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements	1291-AA10

Office of the Assistant Secretary for Administration and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1485	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Labor Programs	1291-AA04
1486	Closeout Requirements for Grants, Contracts, and Other Agreements	1291-AA09

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1487	4,4'-Methylenedianiline	1218-AA58
1488	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates	1218-AA84
1489	Manual Lifting (Part 1910)	1218-AA95
1490	Gear Certification (Part 1919)	1218-AA97

DOL

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1491	Occupational Exposures to Toxic Substances in Laboratories	1218-AA00
1492	Carcinogen Policy	1218-AA01
1493	Ethylene Oxide	1218-AA03
1494	Respiratory Protection	1218-AA05
1495	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
1496	Methods of Compliance	1218-AA28
1497	Hazardous Materials--Flammable and Compressed Gases (Part 1910)	1218-AA31
1498	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1499	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1500	Excavations (Part 1926)	1218-AA36
1501	Scaffolds and Similar Work Surfaces (Part 1910)	1218-AA46
1502	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1503	Ladders and Similar Climbing Devices (Part 1910)	1218-AA50
1504	Confined Space (Part 1910)	1218-AA51
1505	Logging (Part 1910)	1218-AA52
1506	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910)	1218-AA53
1507	Safety and Health Regulations for Longshoring(Part 1918)	1218-AA56
1508	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1509	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1510	Motor Vehicles, Mechanized Equipment, and Marine Operations (Part 1926)	1218-AA63
1511	Steel Erection (Part 1926)	1218-AA65
1512	Fall Protection (Part 1915)	1218-AA66
1513	Scaffolds (Part 1915)	1218-AA68
1514	Access and Egress (Part 1915)	1218-AA70
1515	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1516	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1517	Welding, Cutting and Heating (Part 1915)	1218-AA73
1518	Personal Protective Equipment (Part 1915)	1218-AA74
1519	Compressed Air (Part 1926)	1218-AA76
1520	Hazardous Materials--Flammable and Combustible Liquids (Part 1910)	1218-AA77
1521	1,3-Butadiene	1218-AA83
1522	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1523	Surface Preparation and Preservation (Part 1915)	1218-AA96
1524	Methylene Chloride	1218-AA98
1525	Hazard Communication	1218-AB02
1526	Revision of Telecommunications Training Records (Part 1910)	1218-AB07
1527	Revision of Construction Industry Test and Inspection Records (Part 1926)	1218-AB12
1528	Hazardous Waste Operations and Emergency Response (Part 1910)	1218-AB13

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1529	Ethylene Dibromide (EDB)	1218-AA06
1530	Access to Employee Exposure and Medical Records	1218-AA15
1531	Concrete and Masonry Construction (Part 1926)	1218-AA20
1532	Grain Handling Facilities (Parts 1910 and 1917)	1218-AA22
1533	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1534	Fall Protection (Part 1926)	1218-AA37
1535	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1536	Scaffolds (Part 1926)	1218-AA40
1537	Safety Testing/Certification (Part 1910)	1218-AA42
1538	Crane or Derrick Suspended Platforms (Part 1926)	1218-AA45
1539	Benzene	1218-AA47
1540	Presence Sensing Device Initiation of Mechanical Power Presses (Part 1910)	1218-AA54
1541	Stairways and Ladders (Part 1926)	1218-AA57
1542	Servicing Single Piece Rim Wheels (Part 1917)	1218-AA75
1543	Formaldehyde	1218-AA82
1544	Hazard Communication in Shipyard Employment (Part 1915)	1218-AA88

DOL

Office of the Assistant Secretary for Veteran's Employment & Training—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1545	Annual Report From Federal Contractors	1293-AA01

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Final Rule Stage

1393. RIGHT TO FINANCIAL PRIVACY ACT

Legal Authority: 12 USC 3401 et seq Right to Financial Privacy Act of 1978

CFR Citation: 29 CFR 19, (New)

Legal Deadline: None.

Abstract: These proposed regulations would authorize Department of Labor units to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These proposed regulations would thus, once implemented, enable Department of Labor units to utilize the formal written request procedure to obtain financial records.

Timetable:

Action	Date	FR Cite
NPRM	04/02/85	50 FR 13049
NPRM Comment Period End	05/02/85	50 FR 13049
Final Action	07/00/87	
Final Action Effective	08/00/87	

Small Entity: No

Agency Contact: Seth D. Zinman, Associate Solicitor, for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N2428, FPBldg., Washington, DC 20210, 202 523-8201

RIN: 1290-AA05

1394. ● IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT

Significance: Agency Priority

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 29 CFR 22

Legal Deadline: Statutory, April 21, 1987. The Act requires agencies to have implementing regulations within 180 days of the passage of the statute.

Abstract: This regulation will implement the Program Fraud Civil Remedies Act of 1986 (PL 99-509, Secs. 6101 to 6104). Specifically, this part will (i) establish administrative procedures for imposing civil remedies and assessment against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and (ii) specify the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/87	
Interim Final Public Comment Period End	05/15/87	
Final Action	07/15/87	

Small Entity: Undetermined

Agency Contact: Zeth D. Zinman, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, Office of the Solicitor, 200 Constitution Avenue, NW RM N2428, Washington, DC 20210, 202 523-8201

RIN: 1290-AA07

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Completed Actions

1395. DEBT COLLECTION ACT REGULATIONS: SALARY OFFSET

Legal Authority: 5 USC 5514

CFR Citation: 29 CFR 20

Legal Deadline: None.

Abstract: These regulations will implement the Debt Collection Act of 1982 (P.L. 97-365). The Debt Collection Act gives Federal agencies new tools to collect on debts owed to the United States. These include the authority of Federal agencies to offset the current pay account of an employee ("Salary Offset") when the employee owes money to the United States. These regulations will establish the policies and procedures the Department of Labor will use to implement a salary offset, in conformance with the Office of Personnel Management Regulations on this matter (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	12/16/85	50 FR 51354
NPRM Comment Period End	01/30/86	50 FR 51354
Final Action	02/05/87	52 FR 3772

DOL—OS **Completed Actions**

Action	Date	FR Cite
Final Action Effective	03/09/87	52 FR 3772

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Seth Zinman, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave. NW, Rm N2428, FPBldg., Washington, DC 20210, 202 523-8201

RIN: 1290–AA04

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Employment Standards Administration (ESA)

1396. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors between 16 and 18 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of these regulations. In order to increase job opportunities for such minors, while maintaining essential protection for their well-being, modifications to these regulations may be needed. The Department will establish a Child (cont)

Timetable:

Action	Date	FR Cite
Establish Child Labor Advisory Committee	05/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee will be given careful consideration in the review of these regulations.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA09

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment Standards Administration (ESA)

1397. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: Statutory, October 1, 1983. Rules implementing Section 481 of the 1982 JTPA (29 USC 1781) are required to be published under the Act. The operational aspects of such rules need to be coordinated with the pending revisions discussed above, which has resulted in a delay.

Abstract: These provisions contain OFCCP's rules covering nondiscrimination and affirmative action obligations of Federal contractors under EO 11246, 38 USC 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and Sec. 503 of the Rehabilitation Act of 1973. The rule would be revised to make them more cost effective, reduce paperwork burdens and assure that contractors hire the best qualified person regardless of race, color, religion, sex, or national origin. Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed and reviewed in accordance with the President's Executive Order 12291 of 02/17/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal further suspended the effective date of the 12/30/80 regulation, and proposed revision of that regulation. A supplemental proposal (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & suspend eff date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM Comment Period End	05/24/82	
NPRM (Section 481, 29 USC 1781)	09/00/87	
Final Action	09/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: was published 04/23/82 (47 FR

17770). A final rule will be forwarded to OMB for review and publication in the Federal Register by September 1987. In addition, in accordance with Section 481 of the Job Training Partnership Act of 1982 (JTPA), a Notice of Proposed Rulemaking, to permit Federal contractors to meet their Executive Order affirmative action obligations through approved JTPA programs, will be forwarded to OMB for review and publication in the Federal Register by September 1987.

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, 202 523-9475

RIN: 1215-AA01

1398. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/WH)

Significance: Regulatory Program

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 5 USC Appendix Reorganization Plan No. 14 of 1950; 29 USC 259

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None.

Abstract: These regulations govern labor standards applicable to federally funded or assisted construction contracts subject to the Davis- Bacon and Related Acts (as well as contracts subject to the Contract Work Hours and Safety Standards Act). The Department plans to implement provisions in these regulations that would permit contractors to expand their use of semi-skilled "helpers" on Davis-Bacon covered projects at wages lower than those paid to skilled journeymen. Revised final rules were originally published 05/28/82 (47 FR 23658), but were deferred on 07/26/82 (47 FR 32070) due to an injunction issued by the U.S. District Court. Although the U.S. Court of Appeals for the D.C. Circuit has since upheld most of the key provisions published in 1982, the district court injunction remains in effect against certain provisions dealing with helpers. The Department intends to implement the helper provisions in accordance with the decisions of the district and appeals courts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA07

1399. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None.

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite stay of Final Rule	02/12/81	46 FR 11972
Propsl to suspend Rule indefinitely	03/27/81	46 FR 18998
Comments due on Suspension Proposal	04/28/81	
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment period from 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: Yes

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86. Action on this regulation was delayed due to other regulatory priorities.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA14

1400. EMPLOYMENT OF HANDICAPPED WORKERS UNDER SPECIAL CERTIFICATES

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 524; 29 CFR 525; 29 CFR 529

Legal Deadline: None.

Abstract: These regulations establish the terms and conditions, pursuant to section 14(c) of the Fair Labor Standards Act (FLSA), under which handicapped workers may be employed, under certificate, at wage rates less than those otherwise required by statute. The 1986 Amendments to the FLSA substantially revised section 14(c) to simplify worker certification by eliminating separate certification for more productive workers, multiple handicapped individuals, and those in evaluation or training and work

activities centers. Three affected regulations (29 CFR 524, 525 and 529 will be combined into a single proposed new rule which will be published for public comments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Paula V. Smith, Administator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA34

1401. LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 20 USC 954(i) and (j); 20 USC 956 (g)

CFR Citation: 29 CFR 505

Legal Deadline: Statutory, June 18, 1986.

Abstract: The National Foundation on the Arts and Humanities Act of 1965, as amended in 1976, requires the Secretary to determine the prevailing minimum compensation for professional performers and related or supporting professional personnel employed on projects or productions assisted by grants from the National Endowment for the Arts and the National Endowment for the Humanities. As originally enacted, these labor standards only applied to the Arts; the existing regulations do not reflect the amendments which applied the same labor standards to the Humanities. The Arts, Humanities, and Museums Amendments of 1985, which were enacted on December 20, 1985, require the Secretary of Labor to issue regulations to assure that prevailing minimum compensation is provided to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part by the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA35

1402. CLAIMS FOR COMPENSATION UNDER THE WAR HAZARDS COMPENSATION ACT

Significance: Agency Priority

Legal Authority: 42 USC 1701 et seq

CFR Citation: 20 CFR 61; 20 CFR 62

Legal Deadline: None.

Abstract: The War Hazards Compensation Act regulations are being reviewed to determine whether modifications should be proposed to (1) reflect amendments made to the Act which replaced the World War II frame of reference in the Act with language applicable to the current and future conditions faced by employees of contractors working in hazardous overseas locations; (2) simplify and clarify the requirements for filing a claim under the Act; (3) remove unnecessary and repetitious sections in the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: Not Applicable

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees', Compensation, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3229 - FPBldg., Washington, DC 20210, 202 523-7522

RIN: 1215-AA42

1403. ● LABOR STANDARDS FOR FOREIGN AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration will issue regulations that incorporate the labor standards issued by the Employment and Training Administration and set forth procedures for enforcement of these labor standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502. FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA43

1404. ● MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

Significance: Agency Priority

Legal Authority: 29 USC 1801 to 1872; PL 99-603

CFR Citation: 29 CFR 500

Legal Deadline: Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 amended the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) in a number of areas concerning the recruitment and employment of illegal aliens. Certain changes to the existing MSPA regulations are needed to conform them to the amended Act. These statutory changes become effective June 1, 1987. In addition, minor clarifying changes will be made in certain definitions in the current regulations.

DOL—ESA — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA44

DEPARTMENT OF LABOR (DOL) — Final Rule Stage

Employment Standards Administration (ESA)

1405. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None.

Abstract: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the 1980 amendments to the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing employment under Section 504 of the Rehabilitation Act. The provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968). A final rule incorporating only the statutory changes to the definition of "Veteran of the Vietnam Era" was published in the Federal Register on August 26, 1986 (51 FR 30467).

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, 202 523-9475

RIN: 1215-AA02

1406. BLACK LUNG: OBLIGATIONS OF LESSORS FOR CLAIMS FOR BENEFITS (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 725.491(b)(2)

Legal Deadline: None.

Abstract: The intent of this proposal was to make explicit the Department's policy that a lessor of a coal mine, who had never actually operated such a mine, would not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility. However, serious questions concerning the approach taken in the notice of proposed rulemaking have arisen. Because of these questions, further review of the problem sought to be resolved by this proposal is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8570
NPRM Comment Period End	03/30/81	46 FR 8570
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: James DeMarce, Associate Director, Office of Workers', Compensation Programs, Department of Labor, Employment Standards Administration, Rm C3520, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8692

RIN: 1215-AA03

1407. RECORDS TO BE KEPT BY EMPLOYERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Legal Deadline: None.

Abstract: Revisions to these regulations are being made to reflect the repeal or modification of certain minimum wage and overtime exemptions by the 1974 and 1977 amendments to the Fair Labor Standards Act, and to simplify regulatory language.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32744
NPRM Comment Period End	11/14/86	
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA22

1408. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Legal Authority: 41 USC 38

CFR Citation: 41 CFR 50-201.101(b)(6); 41 CFR 50-201.1201

Legal Deadline: None.

Abstract: The proposed rule would revise the role of the Small Business Administration (SBA) in determining a small business concern's eligibility as a "manufacturer" or "regular dealer" under the Walsh-Healey Public Contracts Act (PCA). Current procedures for small businesses require SBA review of all contracting agency findings of ineligibility, as well as all protests which challenge an agency's findings of eligibility. SBA did not have an opportunity to comment when the current rules were first adopted following enactment of the 1977 Amendments to the Small Business Act (P.L. 95-89, 91 Stat. 561 (15 USC 637(b)(7)(B)). SBA believes its review authority under the Act is restricted to only executive branch agency findings

of noneligibility under PCA, and has requested revisions to the regulations which would eliminate SBA review in protest cases which challenge an agency's findings that a small business is eligible for award. Additional revisions requested by SBA would streamline the processing of cases between SBA and Wage Hour. An additional procedural change, which was published separately as a Final Rule on 03/02/87 (cont)

Timetable:

Action	Date	FR Cite
Final Action Discontinuance of reporting requirements	03/02/87	52 FR 6146
NPRM	03/13/87	52 FR 7892
NPRM Comment Period End	05/12/87	
Final Action	07/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: (52 FR 6146) discontinued the reporting requirement for federal contracting agencies to submit Standard Form (SF) 99, Notice of Award of Contract, to the Wage and Hour Division for contracts subject to the Walsh-Healey Public Contracts Act (PCA). A similar rule change was promulgated under the Service Contract Act (SCA) regulations (29 CFR 4.8) published October 27, 1983 (48 FR 49770). The reduced administrative burden for the affected procurement agencies resulting from the rule change under both SCA and PCA is expected to produce estimated annual cost savings governmentwide of nearly $410,000, the majority of which is attributable to PCA contract awards.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room S-3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215-AA33

1409. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None.

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department 11/9/81 following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84 the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed recission, the Department sought comments on various alternatives to such action (49 FR 11786). On November 5, 1984, a final rule was published lifting the ban on homework for employers (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	10/20/86	51 FR 30036
Final Action	05/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, the Department is proposing to rescind the remaining restrictions in the other industries for employers who currently obtain certificates. A Notice of Proposed Rulemaking was published on August 21, 1986 (51 FR 30036).

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA36

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Completed Actions

1410. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVED THE OPERATION OF BAKERY MACHINES (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.62

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well-being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 11, occupations involving the operation of power-driven bakery machines.

A review of the order is planned to ensure the health and safety of 16 and 17 year olds in these occupations are safeguarded, and to assess the impact of technological change in the industry on employment opportunities for youth.

Timetable:

Action	Date	FR Cite
Combined with 1215-AA09	12/31/86	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA20

1411. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING SLAUGHTERING AND RELATED OCCUPATIONS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.61

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well-being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 10, involving occupations in slaughtering, meat-packing or processing.

A review of the order is planned to ensure that the health and safety of 16 and 17 year olds in these occupations are safeguarded, while at the same time assessing the impact of technological advances in the industry on employment opportunities for youth.

Timetable:

Action	Date	FR Cite
Combined with 1215-AA09	12/31/86	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA21

1412. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING MOTOR VEHICLE DRIVERS AND HELPERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.52

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 2, concerning motor vehicle drivers and their helpers.

A review of this order is planned to ensure that the health and safety of 16 and 17 year olds in these occupations are safeguarded, and that restrictions on the employment opportunities of youth are not imposed unnecessarily.

Timetable:

Action	Date	FR Cite
Combined with 1215-AA09	12/31/86	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA23

1413. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Significance: Regulatory Program

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.1 et seq

Legal Deadline: None.

Abstract: This proposal revises the Federal Employees' Compensation Act regulations to (1) increase the ability of employing agencies to monitor the Act's continuance of pay (COP) provisions; (2) reduce the period for using up the remainder of the 45-day COP eligibility when there is a recurrence of a disability subsequent to a first return to work from six months to 90 days from the date of return to work; (3) require partially disabled employees to report on their efforts to find work; (4) make other modifications designed to provide consistent rationale for the payment of benefits; and (5) incorporate procedures for giving full due process in overpayment cases before recoupment. A NPRM was published on 06/06/86 (51 FR 20736) with comments due, as extended, by 08/27/86.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 20736
NPRM Comment Period End	07/21/86	51 FR 20736
Extension of Comment Period to 8/27/86	07/28/86	51 FR 26903
Final Action	04/01/87	52 FR 10486
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees, Compensation, OWCP, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7552

RIN: 1215-AA29

1414. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO STATE AND LOCAL GOVERNMENT AGENCIES

Significance: Regulatory Program

Legal Authority: 29 USC 201 et seq; PL 99-150

CFR Citation: 29 CFR 553

Legal Deadline: Statutory, April 15, 1986.

Abstract: As a result of the Fair Labor Standards Act (FLSA) Amendments of 1985, certain provisions of the FLSA relating to employees of state and local governments were changed. These regulations implement special provisions of the FLSA applicable to public employees, including the requirements for providing compensatory time off with pay in lieu of cash overtime wages, and the exclusion of certain hours of work from the calculation of overtime compensation for public employees in dual jobs.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13402
NPRM Comment Period End	06/02/86	51 FR 13402
Final Action	01/16/87	52 FR 2012
Final Action Effective	02/17/87	52 FR 2012

Small Entity: No

Additional Information: This agenda entry was published previously in three parts (29 CFR 553, Subpart A B, and C),

and under three RIN's (1215-AA37, 1215-AA38, and 1215-AA39). The three parts have been combined in this entry.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA41

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Prerule Stage

1415. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None.

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 202103, 202 535-0163

RIN: 1205-AA37

1416. REVIEW SESA ADMINISTRATIVE FINANCING SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 501 to 504; 42 USC 1302

CFR Citation: 20 CFR 601.6

Legal Deadline: None.

Abstract: States and other interested parties have questioned the adequacy of the existing method for financing and allocating SESA administrative resources in general and unemployment insurance (UI) administrative resources in particular. Problems identified include: (1) basis and methodology for allocating SESA administrative resources among States; (2) insufficient flexibility to meet State management needs; (3) excessive Federal intervention and prescription; (4) possible duplicative and unnecessary reporting requirements; (5) inadequate State accountability and authority; (6) disincentives for improving productivity; (7)inadequate resources for nonpersonal services. The framework for the basic UI system is outlined in the Social Security Act (SSA) and the Federal Unemployment TAx Act (FUTA). Title III of the SSA states that the Secretary of Labor shall provide the administrative funds needed by each State approved under FUTA for the proper and efficient administration of the UI program. A formal consultation process has been initiated to solicit public comments on problems and proposed (cont.)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: (ABSTRACT CONT:) changes to the current SESA administrative financial system. Planned changes will be announced upon completion of this review.

Government Levels Affected: State, Federal

Agency Contact: Carolyn M. Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7112, PHBldg., Washington, DC 20213, 202 376-6636

RIN: 1205-AA51

1417. ● LABOR SURPLUS AREA PROGRAM POPULATION CRITERIA CHANGE AS REVISED BY PL 99-272

Significance: Agency Priority

Legal Authority: EO 12073; EO 10582; PL 95-89; PL 96-302; PL 99-272

CFR Citation: 20 CFR 654

Legal Deadline: Statutory, July 7, 1986.

Abstract: The Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) Section 18003 amended the Small Business Act to require the Secretary of Labor to reduce the population criteria for labor surplus areas from fifty-thousand to twenty-five thousand. Section 18003 of Public Law 99-272 became effective on July 7, 1986. The Department of Labor is in the process of implementing the new requirements of the Law but such dta did not exist for such areas on a monthly basis at the time Public Law 99-272 was enacted. Implementation has, therefore, been hampered while the data for hundreds of areas were being developed on a monthly basis going back to January 1984.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	
ANPRM Comment Period End	06/00/87	
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Rm N4456, FPBldg., Washington, DC 20210, 202 535-0192

RIN: 1205-AA62

DEPARTMENT OF LABOR (DOL) — **Proposed Rule Stage**

Employment and Training Administration (ETA)

1418. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 638

Legal Deadline: None.

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. Therefore, although the U.S. Supreme Court has accepted the case for review, rulemaking can proceed on the monetary benefit aspects of the employee protection provisions.

Timetable:

Action	Date	FR Cite
NPRMPrevious	03/30/79	44 FR 19146
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	03/00/88	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205-AA07

1419. LIMITATIONS ON TAX CREDIT REDUCTIONS AND INTEREST ON ADVANCES TO STATES

Significance: Regulatory Program

Legal Authority: 26 USC 3302; 42 USC 1302; PL 97-35, Sec 2408

CFR Citation: 20 CFR 606

Legal Deadline: None.

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	09/00/87	
Final Action Effective	00/00/00	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: James Manning, Chief, Division of Actuarial Services, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7410, PHBldg., Washington, DC 20213, 202 376-7231

RIN: 1205-AA14

1420. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 8506; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Legal Deadline: None.

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. The proposed regulations would implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Final Action	12/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205-AA26

1421. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None.

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Limiting the scope of the regulation to areas involving compliance with Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other dispositions, and reduced usage of property acquired with Reed Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	
Final Action Effective	01/00/88	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Affected Sectors: 94 Administration of Human Resources Programs

Government Levels Affected: State, Federal

Agency Contact: David Henson, Chief, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C5317, FPBldg., Washington, DC 20210, 202 535-8762

RIN: 1205–AA43

1422. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Agency Priority

Legal Authority: 42 USC 5177

CFR Citation: 20 CFR 625, (Revision)

Legal Deadline: None.

Abstract: A few technical amendments are necessary to update the DUA Final Regulations which were published September 26, 1977. A clarification is needed on the administration of DUA in the Virgin Islands. Also, the Canal Zone should be deleted from the eligible "States." The formula for computing DUA weekly benefit amounts needs to be simplified. The first week of DUA payable needs to be clarified and the appropriate share of Federal-State costs needs to be determined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: In addition to updating the current regulations the anticipated changes will provide for more efficient operation of the program.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205–AA50

1423. JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None.

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	

Small Entity: Undetermined

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4508, FPBldg., Washington, DC 20210, 202 535-0550

RIN: 1205–AA54

1424. CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Significance: Agency Priority

Legal Authority: 19 USC 2217 to 2322

CFR Citation: 29 CFR 90

Legal Deadline: None.

Abstract: The Department of Labor proposes to revise the regulations on certification of eligibility to apply for worker adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974 (Pub. L. 93-618), as amended. The proposed rule is intended to reduce the time required for completing fact finding investigations and issuing determinations on petitions by reassigning the responsibility for certifying worker groups for adjustment assistance and to make such other changes that will help facilitate decision actions on petitions.

Timetable:

Action	Date	FR Cite
NPRM	02/20/87	52 FR 5310
NPRM Comment Period End	03/23/87	52 FR 5310
Final Action	06/00/87	

Small Entity: No

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade Adjustment, Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, 202 376-2646

RIN: 1205–AA58

1425. ● LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: THE H-2A PROGRAM

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a)

CFR Citation: 20 CFR 655

Legal Deadline: Statutory, June 1, 1987.

Abstract: The regulation will implement the new H-2A program created by the Immigration Reform and Control Act of 1986 (IRCA). IRCA established H-2A as a new nonimmigrant subcategory for the admission of Foreign Temporary Agricultural Workers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, PFBldg., Washington, DC 20210, 202 535-0153

RIN: 1205–AA59

1426. ● IMPLEMENTATION OF JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1986

Significance: Regulatory Program

DOL—ETA

Proposed Rule Stage

Legal Authority: JTPA Amendments of 1986

CFR Citation: 20 CFR 626, Revision; 20 CFR 627, Revision; 20 CFR 628, Revision; 20 CFR 629, Revision; 20 CFR 630, Revision; 20 CFR 631, Revision; 20 CFR 632, Revision; 20 CFR 633, Revision; 20 CFR 634, Revision; 20 CFR 635, Revision; 20 CFR 636, Revision; 20 CFR 637, Revision; 20 CFR 638, Revision

Legal Deadline: None.

Abstract: Issue regulations to implement those provisions of the 1986 amendments requiring regulatory revision. These include: (1) clarification on the use of six percent funds for technical assistance and post-program data collection; (2) clarification of the requirements for summer program plans and their approval/ disapproval; and (3) Title III eligibility criteria. Further, in areas not related to the JTPA Amendments, the Department intends to propose rulemaking. This will be policy clarifications, technical corrections, or to address other policy areas in the regulations which have emerged as problems.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/87	52 FR 1932
ANPRM Comment Period End	02/17/87	52 FR 1932
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Interim Final Rule	07/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Robert N. Colombo, Director, ETA-Office of Employment and, Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205-AA60

1427. ● REFOCUS OF THE PUBLIC EMPLOYMENT SERVICE

Legal Authority: PL 97-300 Wagner-Peyser Act as amended by the JTPA

CFR Citation: 20 CFR 652; 20 CFR 653

Legal Deadline: None.

Abstract: In September 1986, the Department of Labor announced in the Federal Register its review of the public employment service, raising the concern of the employment service capability to meet the current and future labor market needs, particularly the labor market needs that will emerge in the year 2000. The announcement provided the public an opportunity to respond either orally at public meetings held in October, 1986 or in writing directly to the Department. The announcement described the concern of the questions concerning the purpose and role of the employment service. An analysis of the public response to the announcement, as well as other data available to the Department from other research, studies, and papers provides the basis for the Department to propose a refocus of the employment service to address current and emerging labor force trends. Regulations maybe proposed to the extent needed, to either implement any new legislation that may emerge or to achieve the new direction.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0192

RIN: 1205-AA63

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Final Rule Stage

1428. FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

Significance: Regulatory Program

Legal Authority: 26 USC 3304 Note; 42 USC 1302

CFR Citation: 20 CFR 615

Legal Deadline: None.

Abstract: These regulations would be amended to implement various statutory amendments of 1980, 1981, 1982, and 1983 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work or refuse to accept an offer of suitable work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	10/24/86	51 FR 37741
NPRM Comment Period End	11/24/86	51 FR 37741
Final Action	09/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205-AA15

1429. UNEMPLOYMENT INSURANCE QUALITY CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 503; 42 USC 1302

CFR Citation: 20 CFR 602

Legal Deadline: None.

Abstract: The establishment of a UI QC program is a major initiative to reduce administrative errors and claimant abuse in the UI system. Reported error rates are 10 times lower than those

found under the QC sampling methodology. A one percent reduction in the error rate could potentially translate to a savings of millions of dollars in the benefit payment process. Additional savings may be realized when the program is extended to the revenue function.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38083
ANPRM Comment Period End	10/26/84	49 FR 38083
NPRM	07/25/86	51 FR 26846
NPRM Comment Period End	08/25/86	51 FR 26846
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Carolyn Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7112, PHBldg., Washington, DC 20213, 202 376-6636

RIN: 1205-AA28

1430. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 3056 et seq, Older Americans Community Svcs Employ Act

CFR Citation: 20 CFR 674

Legal Deadline: Statutory, May 8, 1985. P.L. 98-459, Section 205(c)

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Program. These changes will not create new cost nor materially change the existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	00/00/00	

Small Entity: No

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted, Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4641, FPBldg., Washington, DC 20210, 202 535-0500

RIN: 1205-AA29

1431. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None.

Abstract: Physicians are currently on the Department's Schedule A precertification list if they are to be employed in a designated Health Manpower Shortage Area (HMSA) or an area which has an insufficient number of physicians as designated by the Public Health Service (PHS). The PHS has recommended removal of physicians from Schedule A, or in the alternative leave only those physicians on Schedule A that are to be employed in the HMSA's. According to the PHS: (1) neither Congress nor the Department of Health and Human Services recognizes the existence of a national shortage of physicians; (2) alien physicians after they are certified do not go to the HMSA's or the area with an insufficient number of physicians, or if they do go to these areas they leave shortly after starting work. Thus, the labor certification program has not had a significant effect in alleviating the shortage of physicians in the HMSA's or in the areas with an insufficient number of physicians. Consequently, ETA proposes to remove all physicians from Schedule A.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3192
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 80 Health Services; 82 Educational Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Ave., Nw, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205-AA33

1432. ADMINISTRATIVE PROCEDURE

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 601.9, (Revision)

Legal Deadline: None.

Abstract: The regulation will provide States with administrative appeal rights before the Office of Administrative Law Judges for final determinations disallowing costs or imposing corrective actions as a result of all audits in the Federal-State unemployment compensation program and related Federal unemployment benefit and allowance programs. Currently, no such appeal rights exist and if a State seeks review of one of the above actions the only appeal forum is the Federal Court. Provision of these appeal rights before the Office of Administrative Law Judges should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with the Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulation will also correct what is perceived as an inequity, since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 20991
NPRM Comment Period End	07/10/86	51 FR 20991
Final Action	10/00/87	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided

that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Government Levels Affected: State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0704

RIN: 1205–AA46

1433. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: MONTANA ADVERSE EFFECT WAGE RATE

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: Propose to add Montana to the list of States in which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50311
NPRM Comment Period End	01/09/86	50 FR 50311
Extension of Comment Period to 3/31/86	02/28/86	51 FR 7084
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456 FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA48

1434. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: ADVERSE EFFECT WAGE RATES FOR IDAHO OREGON

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: Propose to add Idaho and Oregon to the list of States for which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	04/08/86	51 FR 11942
NPRM Comment Period End	05/08/86	51 FR 11942
Final Action	05/00/87	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA52

1435. JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None.

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: David O. Williams, Administrator, Office of Financial and, Administrative Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0690

RIN: 1205–AA53

1436. PREFERENCE IN FEDERAL PROCUREMENT FOR LABOR SURPLUS AREAS UNDER EXECUTIVE ORDERS 12073 AND 10582

Significance: Regulatory Program

Legal Authority: EO 12073; EO 10582

CFR Citation: 20 CFR 654.5(b)

Legal Deadline: None.

Abstract: Currently the Department of Labor only classifies civil jurisdictions (counties, cities over 50,000 population as well as townships and towns in certain selected States) as labor surplus areas. This policy has resulted in some employment centers in the nation's large metropolitan areas not being classified as labor surplus areas, even though the entire Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas would meet the labor surplus area criteria if such geographic areas were classified. The proposed rule would grant the Assistant Secretary for Employment and Training the authority to classify Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas as labor surplus areas to help alleviate unemployment in these areas. The change will add some additional labor surplus areas to the current list but it will not increase the funds going to such designated areas.

DOL—ETA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26555
NPRM Comment Period End	09/25/86	51 FR 26555
Final Action	10/00/87	

Small Entity: No

Agency Contact: Robert A. Schaerfl, Director, United States Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4470 FPBldg., Washington, DC 20210, 202 535-0157

RIN: 1205–AA55

1437. LABOR CERTIFICATION PROCESS FOR PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES; ESTABLISHMENT OF BOARD OF ALIEN LABOR CERTIFICATION APPEALS

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None.

Abstract: The Department of Labor proposes to revise the procedures for review of denials of certifications for the permanent employment of immigrant aliens in the United States. The revised procedures would establish a Board of Alien Labor Certification Appeals in the Office of Administrative Law Judges to hear and decide such appeals.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA57

DEPARTMENT OF LABOR (DOL)

Completed Actions

Employment and Training Administration (ETA)

1438. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None.

Abstract: These regulations would implement the 1981 and 1983 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. The 1983 amendments extended the program to September 30, 1985. The 1984 amendments to the program are not included in these regulations but will be issued separately.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9444
NPRM Comment Period End	07/28/83	48 FR 32837
Final Action	12/22/86	51 FR 45840
Final Action Effective	01/21/87	51 FR 45840

Small Entity: No

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7430, PHBldg., 601 D St, NW, Washington, DC 20213, 202 376-7366

RIN: 1205–AA17

1439. PIECE RATE ADJUSTMENTS

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: The regulation, as proposed, modifies the previous piece rate adjustment regulation published as a final rule on June 21, 1985, which was declared invalid by the U.S. District Court of Appeals on July 8, 1985. The new regulation is designed to cure the defects noted by the Court in the previous regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/86	51 FR 20516
NPRM Comment Period End	07/07/86	51 FR 20516
Final Action	04/09/87	52 FR 11460

Small Entity: No

Additional Information: DOL considering request to reopen comment period. Next stage in rulemaking held in abeyance pending action.

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBdg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA30

1440. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None.

DOL—ETA

Completed Actions

Abstract: This regulation would implement provisions of the Deficit Reduction Act of 1984 amending the Trade Act of 1974. The legislation amends Section 233(a)(3), to enable workers to collect the extra 26 weeks of Trade Adjustment Assistance (TRA) beginning with the first week the worker enters training if the training has not been approved until after the last week of entitlement to basic TRA. It also amends Sections 237 and 238 of the Trade Act to increase the maximum job search allowance to $800 (from $600) and the maximum lump-sum relocation allowance to $800 (from $600).(Since the proposed rule is supplemental to proposed rule at 20 CFR Part 635, the actual date of issuance of this rule as a final rule is dependent upon publication as a final rule of the amendments to The Trade Act of 1974 in Title XXV of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	50 FR 14720
NPRM Comment Period End	05/15/85	50 FR 14720
Final Action	12/22/86	51 FR 45840
Final Action Effective	01/22/87	51 FR 46746

Small Entity: No

Additional Information: Legislation i.e., effective upon enactment (July 18, 1984)

Government Levels Affected: State, Federal

Agency Contact: Marvin M. Fooks, Director, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, 202 376-2646

RIN: 1205-AA31

1441. WORK INCENTIVE PROGRAMS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 29 CFR 56.17, (Revision); 29 CFR 56.18, (Revision); 29 CFR 56.19, (Revision); 29 CFR 56.86, (New)

Legal Deadline: None.

Abstract: The regulation will provide Work Incentive Program grantees and contractors administrative appeal rights before the Office of Administrative Law Judges for the following: (1) an adjustment in payment; (2) termination of the contract or grant; (3) a final determination disapproving outstanding claims arising from terminations, disapproving unreimbursed costs, or rejecting the termination settlement proposal; (4) a final determination disallowing costs as a result of an audit; and (5) a final determination disallowing costs resulting from the closing out of the grant/contract. Currently, no such rights exists and a grantee/contractor's only appeal forum is Federal Court. Provision of these hearing rights should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulations will also correct a perceived inequity since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
Withdrawn	11/15/86	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Government Levels Affected: Local, State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8422, PHBldg., Washington, DC 20213, 202 376-6630

RIN: 1205-AA45

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Pension and Welfare Benefits Administration (PWBA)

1442. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in Section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Shelby J. Hoover, Assistant Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8658

RIN: 1210-AA08

1443. LOANS TO PARTICIPANTS

Legal Authority: 29 USC 1135; 29 USC 1103

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: This rule describes the circumstances under which the exemption in Section 408(b)(1) of ERISA from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8610

RIN: 1210-AA09

1444. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None.

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under Section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Daniel J. Maguire, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8595

RIN: 1210-AA15

1445. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None.

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-9593

RIN: 1210-AA19

1446. TOP HAT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None.

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-9593

RIN: 1210-AA21

1447. ● PROPOSED REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None.

Abstract: The proposed regulation is intended to provide an exemption from the bonding requirements of Section 412 (a) of ERISA for certain broker dealers and investment advisers who handle plan assets if the proposed regulation's alternative bonding requirements are met. If adopted, the regulation would permit broker-dealer and their investment adviser affiliates to substitute the fidelity bond required by the self-regulatory organizations of which they are members, subject to a minimum level of coverage, for the bond otherwise required by Section 412 of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: No

Agency Contact: Linda Shore, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5667 FPBuilding, Washington, DC 20210, 202 523-8671

RIN: 1210-AA25

1448. ● PROHIBITED TRANSACTION EXEMPTION PROCEDURES

Significance: Agency Priority

Legal Authority: 29 USC 1108; 29 USC 1135; 5 USC 8477 (C) (3)

CFR Citation: 29 CFR 2570

Legal Deadline: None.

Abstract: This regulation describes the procedures for filing and processing applications for exemptions from the prohibited transaction provisions of ERISA of 1974 and IRC and FERSA of 1986. The proposed regulation updates the description of the Department's procedures to reflect changes in the Department of Labor's exemption authority and to clarify the procedures by providing a more detailed description of the prohibited transaction exemption process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm C4508, FPBuilding, Washington, DC 20210, 202 523-9594

RIN: 1210-AA26

1449. ● EXEMPTION FROM FERSA BONDING REQUIREMENTS FOR CERTAIN FEDERAL EMPLOYEES

Significance: Agency Priority

Legal Authority: 5 USC 8478

DOL—PWBA

Proposed Rule Stage

CFR Citation: 00 CFR "Not Yet Determined"

Legal Deadline: None.

Abstract: Section 8478 of FERSA required each person handling property of the fund to be bonded. This rulemaking would exempt, pursuant to authority contained in Section 8478, certain federal employees from this bonding requirement where these employees are not under the control or supervision of the Federal Retirement Thrift Investment Board.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669, FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210-AA27

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Pension and Welfare Benefits Administration (PWBA)

1450. INDIVIDUAL BENEFIT REPORTING - RECORDKEEPING - MULTIPLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None.

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-8377

RIN: 1210-AA02

1451. INDIVIDUAL BENEFIT REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None.

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-8377

RIN: 1210-AA03

1452. DEFINITION OF PLAN ASSETS — EMPLOYEE CONTRIBUTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: This regulation would describe when monies paid to, or withheld by, an employer as contributions to an employee benefit plan are considered "Plan Assets" for purposes of Title I of ERISA and certain related provisions of the Internal Revenue Code. Proposed regulations dealing with this matter were published by the Department on August 28, 1979.

Timetable:

Action	Date	FR Cite
NPRM	08/28/79	44 FR 50363
NPRM Comment Period End	01/07/80	
Public Hearings	02/27/80	
Final Action	08/00/87	

Small Entity: No

Additional Information: Subpart of RIN 1210-AA06 (Definition of Plan Assets) which will be handled separately.

Agency Contact: Rudolph Nuissl, Plan Benefit Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8671

RIN: 1210-AA16

1453. PROCEDURES FOR ADMINISTRATIVE IMPOSITION OF CIVIL SANCTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1132 (i); 29 USC 1135

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None.

DOL—PWBA **Final Rule Stage**

Abstract: This procedural rule would implement Section 502(i) of ERISA which authorizes the Secretary of Labor to impose civil sanctions against parties in interest (as defined in ERISA Section 3(14)) who engage in prohibited transactions with welfare plans and nonqualified pension plans.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30501
NPRM Comment Period End	10/27/86	51 FR 30501
Final Action	12/00/87	

Small Entity: No

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8610

RIN: 1210-AA20

1454. ● AMOUNT OF BOND FOR FERS THRIFT SAVINGS FUND

Significance: Agency Priority

Legal Authority: 5 USC 8478

CFR Citation: 00 CFR " Not Yet Determined"

Legal Deadline: None.

Abstract: Section 8478(b)(1) requires the Secretary of Labor to prescribe the amount of a bond at the beginning of each Fiscal Year of the fund. This rulemaking accomplishes that objective.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	
Final Action Effective	08/00/87	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210-AA28

1455. ● ADOPTION OF TEMPORARY BONDING REGULATIONS UNDER ERISA SECTION 412 FOR PURPOSES OF FERSA SECTION 8478

Significance: Agency Priority

Legal Authority: 5 USC 8478; PL 99-556 SECTION 113

CFR Citation: 00 CFR "Not Yet Determined"

Legal Deadline: None.

Abstract: Section 8478 of FERS Requires the Secretary of Labor to prescribe within regulations concerning the bonding (for loss through theft or embezzlement) of property of the thrift savings fund. Section 113 of the Federal Employees' Retirement System Technical Corrections Act of 1986 authorizes the Secretary of Labor to apply the temporary bonding regulations under ERISA Section 412 to FERSA Section 8478 (until January 1, 1990). This rulemaking effects such interim adoption of the ERISA bonding regulations for FERSA purposes.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210-AA29

DEPARTMENT OF LABOR (DOL)

Completed Actions

Pension and Welfare Benefits Administration (PWBA)

1456. PLAN ASSETS REGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 1135; PL 99-272, Sec 11018(d), 100 Stat. 82

CFR Citation: 29 CFR 2510

Legal Deadline: Statutory, December 31, 1986.

Abstract: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. The regulation had been targeted for review by the President's Task Force on Regulatory Relief. A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82.

Timetable:

Action	Date	FR Cite
NPRM Previous	08/28/79	44 FR 50363
NPRM Previous	06/01/80	45 FR 38084
NPRM	01/08/85	50 FR 961
NPRM Comment Period End	03/11/85	50 FR 961
Public Hearings were held 05/06/85, 05/07/85 and	05/08/85	
Final Action	11/13/86	51 FR 41262
Final Action Effective	03/13/87	51 FR 41262

Small Entity: No

Agency Contact: Shelby J. Hoover, Assistant Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8658

RIN: 1210-AA06

1457. EXEMPTION AND ALTERNATIVE METHOD OF COMPLIANCE FOR ANNUAL REPORTING OF CERTAIN ENTITIES

Significance: Regulatory Program

Legal Authority: 29 USC 1024; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520

Legal Deadline: None.

Abstract: ERISA and the regulations issued thereunder, require the administrator of an employee benefit plan, unless otherwise exempt, to file annual reports relating to the financial status and activities of the plan. Among other things, the annual report is required to include statements and schedules concerning the assets of the plan and transactions involving those assets. This regulation will provide an alternative method of compliance with the annual reporting requirements for certain employee benefit plans which

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DOL—PWBA — Completed Actions

invest in entities, the underlying assets of which constitute plan assets under the Department's "Plan Assets" regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3362
NPRM Comment Period End	03/25/85	50 FR 3362
Final Action	11/13/86	51 FR 41285
Final Action Effective	03/13/87	51 FR 41285

Small Entity: No

Agency Contact: George Holmes, Plan Benefit Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-8515

RIN: 1210-AA14

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Office of Labor Management Standards (OLMS)

1458. ● GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959 CHARACTERISTICS OF CANDIDATES

Legal Authority: 29 USC 481; 29 USC 482

CFR Citation: 29 CFR 452.46

Legal Deadline: None.

Abstract: This regulation will amend 29 CFR 452.46 regarding maximum age restrictions on candidacy for union office. The amendment is required in part to conform the regulations to a recent amendment to the Age Discrimination in Employment Act of 1967.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Kay Oshel, Chief, Division of Interpretations and, Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue, NW, Rm N5623, FPBldg., Washington, DC 20210, 202 523-7373

RIN: 1294-AA02

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

1459. REVIEW OF SELF-CONTAINED SELF RESCUE DEVICES (SCSR) STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714

Legal Deadline: None.

Abstract: The self-contained self rescue devices (SCSR) standards are part of the overall coal review of high priority standards. These standards would be revised to incorporate technological advances. MSHA is currently evaluating the state of technology. Pending completion of that review, the Agency is deferring further rulemaking action at this time.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA08

1460. REVIEW OF HOISTING AND TRANSPORTATION OF PERSONS AND MATERIAL STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1400

Legal Deadline: None.

Abstract: The hoisting and transportation standards are part of the overall coal review of standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. The Agency is reviewing the nature and extent of the hazards associated with this area. However, the Agency expects no public action during this calendar year. Therefore, this item is removed from the Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA12

DOL—MSHA

Prerule Stage

1461. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75

Legal Deadline: None.

Abstract: The atmosphere of underground coal mines contains methane gas which can quickly accumulate in explosive concentrations. To protect against gas ignitions and mines explosions, the Federal Mine Safety and Health Act of 1977 requires that electric mining equipment be built in accordance with certain performance standards. To administer these requirements, MSHA has established a mining equipment approval program, including evaluation criteria, and corresponding safety standards requiring the use of approved equipment. Existing approval regulations do not generally apply to the diesel equipment now being used in underground coal mines. The new regulations would update Agency approval criteria for diesel equipment, with an emphasis on performance-oriented standards. The Agency is also reevaluating the appropriateness of initiating an advisory committee.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA27

1462. SURFACE COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.500; 30 CFR 77.600; 30 CFR 77.700; 30 CFR 77.800; 30 CFR 77.900; 30 CFR 77.1000; 30 CFR 77.1800

Legal Deadline: None.

Abstract: Existing electrical standards for surface coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to surface coal mining operations. The Agency is also currently developing a proposed rule for its underground electrical standards. Because of the common issues, the status of this rulemaking is, in part, contingent upon revisions now being developed for the underground proposal. A draft of the surface electrical standards is expected to be available in November 1987.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA32

1463. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: None.

Abstract: In response to concerns raised by members of Congress and the mining community about the nature and accuracy of existing reporting obligations, MSHA established an intra-agency task force to review its requirements for reports of accidents, injuries and illnesses in coal and metal and nonmetal mines. The task force submitted its report in February 1986 and recommended that the Agency pursue a non-regulatory approach in taking corrective actions. The Agency has adopted this recommendation and focused on several aspects of the reporting requirements including the definition of an occupational injury or illness, and an expanded audit program. In December 1986, MSHA issued Program Information Bulletin No. 86-6C and 86-3M on this subject to the mining community. The Agency will review the results of its efforts in order to evaluate whether the goal of accurate and reliable reporting has been effectively achieved. Should the Agency find that there is a need to further revise the reporting system through rulemaking, it is prepared to do so.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/85	
Task Force Report Completed	03/03/86	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA33

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

1464. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None.

Abstract: As a result of certain court decisions and previous efforts at rulemaking, MSHA withdrew its 1980 proposal and issued an ANPRM which outlined new procedures for implementing the statutory provision for pattern of violations. Commenters to the ANPRM raised several critical issues, and MSHA subsequently reevaluated its approach for various aspects of the proposed rule which is

scheduled for publication in May 1987. The proposal will contain a meaningful procedure and appropriate criteria for identifying operators who are potential pattern violators.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Public hearings are anticipated to be held during August 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA04

1465. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None.

Abstract: Existing electrical standards for underground coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to underground coal mining operations. The Agency is in the process of developing a proposed rule that addresses the wide-range of issues raised by commenters.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	05/23/86	51 FR 18899
Comment Period Extended to 8/15/86	07/03/86	51 FR 24387
ANPRM Comment Period End	07/22/86	51 FR 18899
NPRM	02/00/88	

Small Entity: Yes

Additional Information: Public hearings are anticipated to be held during November 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA10

1466. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None.

Abstract: The Agency will publish a proposed rule concerning ventilation in underground mines which will include provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gases that may indicate a mine fire. Other important issues would include ventilation of worked-out areas; timeframes for tests for methane; and using intake air ventilating the conveyor belt to ventilate the working face.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	10/00/87	

Small Entity: Yes

Additional Information: Public hearings are anticipated to be held during August 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA11

1467. REVIEW OF METAL AND NONMETAL ELECTRICITY STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None.

Abstract: The electricity standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	09/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during December 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA14

1468. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None.

Abstract: The explosives standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1)

eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	08/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during November 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA17

1469. METAL AND NONMETAL AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.5; 30 CFR 56.5

Legal Deadline: None.

Abstract: The Agency is developing a NPRM which would replace an incorporation by reference with updated permissible exposure limits which are specifically applicable to the hazards encountered in metal and nonmetal mining. The proposal would solicit comment on which means of control would provide the necessary protection from airborne contaminants. Standards for use of respiratory protective equipment would replace an outdated incorporation by reference. Other issues being considered are: requirements for exposure monitoring and precautions for handling restricted-use chemicals; notification of workers of overexposures, and access to exposure records. The Department is in the process of developing a uniform policy on air quality in the work place. The Agency anticipates publishing a proposal in August 1987.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	07/06/83	48 FR 31171
Extension of Comment Period to 10/06/83	09/12/83	48 FR 36789
Extension of Comment Period to 11/07/83	09/16/83	48 FR 41747
ANPRM Comment Period End	11/07/83	
NPRM	08/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during December 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA21

1470. APPROVAL REQUIREMENTS FOR EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15

Legal Deadline: None.

Abstract: The requirements for approval of explosives are part of the overall coal review of high priority standards. These standards would update and clarify existing specifications and tests. New provisions would recognize the development of sheathed explosive units. Public hearings are anticipated during April 1987.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	
NPRM	11/12/86	51 FR 41046
NPRM Comment Period End	01/12/87	51 FR 41046
Notice of Public Hearings	03/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA23

1471. MINE PLAN APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR Chapter I

Legal Deadline: None.

Abstract: In March 1985, the Agency issued an ANPRM requesting comments on the existing plan approval process. After reviewing the comments, MSHA plans to publish a proposal which specifies requirements and identifies timeframes for action for mine operators and the Agency for the submission, review, and approval of new or revised mine plans. The Agency will seek public comment on the role of miners' representatives in the plan approval process.

Timetable:

Action	Date	FR Cite
Request for comments	03/22/85	50 FR 11644
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during August 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA26

1472. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

DOL—MSHA

Proposed Rule Stage

Legal Deadline: Judicial, May 1985. In response to a request by the United States Court of Appeals for the District of Columbia, MSHA submitted a timetable of projected dates for this rulemaking in May 1985.

Abstract: MSHA is reviewing its radiation standards and has identified certain issues with respect to regulatory action. The Agency published a proposed rule in December 1986 revising its existing ionizing radiation standards and the comment period closed in February 1987. MSHA is coordinating further rulemaking action with other federal agencies associated with this matter.

Timetable:

Action	Date	FR Cite
Request for Comments	01/29/85	50 FR 4144
Extension of Comment Period to 6/3/85	03/22/85	50 FR 11638
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Notice of Hearings	03/00/87	
Final Action	11/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held in April 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA28

1473. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Legal Deadline: None.

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. New technology has been developed which has not been accommodated by the existing regulations. In addition, questions have been raised about laboratory testing and field performance of respirators. MSHA has reexamined its role in the joint approval process and will also consider replacing federal testing with private-sector testing according to federal specifications. Actual approval authority along with a mechanism for post-approval audits would continue to remain with the government.
The decision has been made for NIOSH to have the lead in approval of respirators. MSHA will be involved with these devices which are uniquely adapted or required for mining. The Agency's next step will be based on this decision.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-1910

RIN: 1219-AA30

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Final Rule Stage

1474. PROCEDURES FOR APPROVAL OF MINING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 7

Legal Deadline: None.

Abstract: This would be a new Part. Under existing regulations, certain equipment must be tested and approved by MSHA prior to use in certain underground mines. The proposal would permit manufacturers or independent laboratories to test certain equipment prior to issuance of the Agency's approval. Actual approval authority along with a mechanism for post-approval audits would continue to remain with the government. The final rule will make modifications to the Agency's existing approval program, taking into consideration comments received.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Hearings	03/18/83	48 FR 11665
ANPRM Comment Period End	05/03/83	
NPRM	02/06/86	51 FR 4686
Notice of Public Hearings	02/06/86	51 FR 4668
Extension of comment period to 5/7/86	04/04/86	51 FR 11586
NPRM Comment Period End	04/07/86	51 FR 4686
Final Action	09/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during July 1986.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA06

1475. UNDERGROUND COAL MINE ROOF CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.200

Legal Deadline: None.

Abstract: The final rule would clarify, revise, and update MSHA's existing standards for controlling roof falls in underground coal mines. The final rule would also recognize technical advances in roof support, such as ATRS systems which is a new and developing technology that stabilizes unsupported roof during the installation of support.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	09/02/83	48 FR 40165
ANPRM Comment Period End	11/18/83	48 FR 40165
NPRM	10/15/85	50 FR 41784
Extension of Comment Period to 02/17/86	12/13/85	50 FR 50925
Notice of Public Hearings	01/17/86	51 FR 2525
Final Action	09/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during February 1986.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA13

1476. METAL AND NONMETAL GASSY MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.21000

Legal Deadline: None.

Abstract: Under existing standards, all mines classified as gassy must comply with the same standards, and are either classified as "gassy" or "nongassy". The final rule places all underground mines in one of six categories based on the degree of hazard present at the mine. Each category has its own set of standards specific to the gradation of hazard present at the mine. Other changes, including reduction of recordkeeping requirements, allowance for compliance alternatives, and incorporation of updated technological provisions are also included in the final rule.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	06/10/83	48 FR 27025
ANPRM Comment Period End	08/09/83	
Extension of Comment Period to 09/09/83	08/12/83	48 FR 36789
NPRM	06/04/85	50 FR 23612
Extension of Comment Period to 09/05/85	07/19/85	50 FR 29437
NPRM Comment Period End	08/05/85	50 FR 23612
Notice of Public Hearings	09/17/85	50 FR 37815
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA15

1477. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None.

Abstract: The existing standards governing the use of explosives in underground coal mines are outdated and incomplete. MSHA's final rule will substantially reorganize, clarify and update these requirements. In addition, the rule will recognize new explosive technology and will permit future changes in technology by using performance-oriented standards.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	49 FR 19601
NPRM	05/09/86	51 FR 17284
Extension of Comment Period to 7/31/86	07/03/86	51 FR 24387
NPRM Comment Period End	07/08/86	51 FR 17284
Notice of Public Hearings	10/21/86	51 FR 37376
Final Action	01/00/88	

Small Entity: Yes

Additional Information: Public hearings were held in November 1986. See also RIN 1219-AA23 for abstract and timetables of related rulemaking to revise approval specifications for explosives.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA16

1478. SAFETY STANDARDS FOR LOADING, HAULING AND DUMPING AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.9000; 30 CFR 57.9000

Legal Deadline: None.

Abstract: The loading, hauling and dumping standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. As a result of consideration of the public rulemaking records relating to both the machinery and equipment and loading, hauling and dumping standards, the Agency expects to reorganize the standards to more accurately and clearly identify the hazards.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	04/22/83	48 FR 17513
ANPRM Comment Period End	06/21/83	
NPRM	12/18/84	49 FR 49202
Extension of time to comment to 03/22/85	01/25/85	50 FR 3681
NPRM Comment Period End	02/19/85	49 FR 49202
Notice of Public Hearings	07/03/85	50 FR 27566
Final Action	06/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during August 1985.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA18

1479. SAFETY STANDARDS FOR MACHINERY AND EQUIPMENT AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.14000; 30 CFR 57.14000

Legal Deadline: None.

Abstract: The machinery and equipment standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. As a result of consideration of the public rulemakings relating to both the machinery and equipment and loading, hauling and dumping standards, the Agency expects to reorganize the standards to more accurately and clearly identify the hazards.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	02/11/83	48 FR 6489
ANPRM Comment Period End	04/15/83	
NPRM	03/06/84	49 FR 8375
NPRM Comment Period End	05/07/84	49 FR 8375
Notice of Public Hearings	05/21/84	49 FR 21494
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA19

1480. UPDATING FEES ASSOCIATED WITH EQUIPMENT APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11 to 36

Legal Deadline: None.

Abstract: By regulation, MSHA tests certain types of equipment submitted by manufacturers prior to the issuance of an Agency approval. A fee is charged for this service. Since most of the existing approval requirements have not been revised for nearly 20 years, fees do not reflect current charges to the government related to the approval process. MSHA's final rule establishes the general criteria to be used in determining costs to the government. These criteria will be used to compute fees, on an annual basis, so that fees will be current and relevant. The computation criteria will be published in the Federal Register. Fee schedules will be made available to manufacturers of an annual basis.

Timetable:

Action	Date	FR Cite
NPRM	04/16/86	51 FR 12966
NPRM Comment Period End	06/16/86	51 FR 12966
Notice of Hearings	06/30/86	51 FR 23559
Final Action	03/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA29

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Completed Actions

1481. METAL AND NONMETAL GROUND CONTROL STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.3000; 30 CFR 57.3000

Legal Deadline: None.

Abstract: The ground control standards were part of the overall metal and nonmetal review of high priority sections. These standards have been revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	03/11/83	48 FR 10593
ANPRM Comment Period End	05/11/83	
NPRM	03/06/84	49 FR 8368
NPRM Comment Period End	05/07/84	49 FR 8368
Notice of Public Hearings	05/21/84	49 FR 21494
Final Action	10/08/86	51 FR 36192
End Review	10/08/86	
Final Action Effective	12/08/86	51 FR 36192

Small Entity: Yes

Additional Information: Public hearings were held in June 1984. This entry is removed from future agendas.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA22

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1482. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 29 USC 794; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4; 20 USC 1681 to 1683; 15 USC 3151; 29 USC 1501 et seq; 20 USC 1685; 20 USC 1686

CFR Citation: 29 CFR 31

Legal Deadline: Statutory, October 1, 1983. The statutory effective date for JTPA implementing regulations is 10/01/83; the ADA required implementing regulations within 90 days of the HHS guidance regulation which was published on June 12, 1979.

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs with uniform administrative and enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: Draft proposed regulations were submitted to DOJ and EEOC for approval under E.O. 12250 and E.O. 12067, respectively. The Department is currently awaiting DOJ's approval of the regulations. Upon receipt of approval DOL will forward the regulations to the Office of Management and Budget for review pursuant to E.O. 12291, prior to publication as a NPRM.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: William J. Harris, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA02

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1483. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) IMPLEMENTATION OF COMPETITION IN CONTRACTING ACT OF 1984 (CICA) (PUB. L. 98-369) INTO DOLAR

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 551; 40 USC 486(c); 41 USC 401; PL 98-369, Sec 2701; EO 12352; EO 12291

CFR Citation: 48 CFR 29

Legal Deadline: None.

Abstract: Develop Department of Labor Acquisition Regulations to implement new regulations incorporated into the Federal Acquisition Regulation (FAR) mandated by the Competition in Contracting Act of 1984 (Pub. L. 98-369).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/06/86	51 FR 40372
Final Action	06/00/87	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Theodore Goldberg, Director, Division of Procurement and Grant, Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA06

1484. PUBLIC CONTRACTS AND PROPERTY MANAGEMENT; FEDERAL STANDARDS FOR AUDIT OF FEDERALLY FUNDED GRANTS, CONTRACTS AND AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505(a); OMB Circular No. A-128; OMB Circular No. A-110

CFR Citation: 29 CFR 96

Legal Deadline: None.

Abstract: Amends administrative requirements for audit by adding sections on audit resolution and audit appeals.

Timetable:

Action	Date	FR Cite
NPRM	06/27/86	51 FR 23433
NPRM Comment Period End	08/26/86	51 FR 23433
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Agency Contact: Thomas K. Delaney, Deputy Director, Directorate of Procurement, and Grant Management, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA10

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

1485. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF LABOR PROGRAMS

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 33

Legal Deadline: None.

Abstract: Pursuant to the 1978 Amendments to Section 504 of the Rehabilitation Act of 1973, this final rule prohibits discrimination in all Department of Labor programs and activities requiring, among other things, that programs and activities when viewed in their entirety be readily accessible to the handicapped. That is to say, persons with handicaps, who are eligible for and who can achieve the purpose of a federally- conducted program or activity would be allowed access to that program or activity. In addition, the Department would also be required to ensure effective communications with applicants, participants, employees, other Federal personnel and members of the public. The rule provides, however, that the Department is not required to take actions which it can demonstrate would result in a fundamental alteration in the nature of a programs or activity or in undue financial and administrative burdens.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27298
NPRM Comment Period End	10/25/85	50 FR 27298
Final Action	04/09/87	52 FR 11600

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: William J. Harris, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA04

1486. CLOSEOUT REQUIREMENTS FOR GRANTS, CONTRACTS, AND OTHER AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 801 et seq; 29 USC 795; 30 USC 801 et seq; 29 USC 651 et seq; 42 USC 3011 et seq; 42 USC 501 et seq; 42 USC 1101 et seq; 42 USC 1321 et seq; 29 USC 49 et seq; OMB Circular No. A-102; OMB Circular No. A-110

CFR Citation: 29 CFR 97

Legal Deadline: None.

Abstract: Proposed administrative requirements for grants and agreements to provide uniform closeout procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/16/86	51 FR 32793
NPRM Comment Period End	11/17/86	
Delete Pending Update of Cir. A-102	03/05/87	

Small Entity: No

Agency Contact: Thomas K. Delaney, Deputy Director, Directorate of Procurement, and Grant Management, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-8174

RIN: 1291-AA09

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

1487. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA has evaluated the data received in response to the advance notice and has concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action, giving OSHA until 2/20/86 to respond. OSHA responded to the EPA referral on 2/26/86. OSHA has established a mediated rulemaking advisory committee to assist the agency in developing a proposed standard. The committee expects to complete its work in April 1987. OSHA has agreed to publish the Committee's recommendations (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
TSCA section 9(a) referral from EPA	07/05/85	50 FR 27674
OSHA response to EPA TSCA referral	02/26/86	51 FR 6748
Selection of advisory committee members and notice of first meeting	07/03/86	51 FR 24452
Publication of Advisory Committee recommendations	05/00/87	
NPRM	08/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: within 30 days of receipt. Within 90 days of the Committee's recommendations OSHA will publish a

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proposed standard for occupational exposure to MDA.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA58

1488. ● GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None.

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented of reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA announced that it would begin rulemaking proceedings for these chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
NPRM	04/00/88	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA84

1489. MANUAL LIFTING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either formal rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information onManual Lifting-Related Injuries	10/02/86	51 FR 35241
Determination of next action	04/00/87	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA95

1490. GEAR CERTIFICATION (PART 1919)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1919, (Revision)

Legal Deadline: None.

Abstract: The agency would seek information for the possible revision and updating of testing procedures to take into account changes in the design and composition of cargo handling gear since 1969. It would also seek information as to how the accreditation program might better be administered. For example, should OSHA continue to be the accrediting agency, or can such responsibility best be accomplished by another Federal Agency and/or private sector organization? Part 1919 implements requirements located in each of OSHA's maritime standards which cover work carried out within Federal maritime jurisdiction.

Timetable:

Action	Date	FR Cite
Request for Information	04/00/87	

Small Entity: Undetermined

Affected Sectors: 37 Transportation Equipment; 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA97

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage

Occupational Safety and Health Administration (OSHA)

1491. OCCUPATIONAL EXPOSURES TO TOXIC SUBSTANCES IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None.

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or

repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. During this rulemaking, OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific standards. Accordingly, OSHA has proposed a special performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/24/86	51 FR 26660
NPRM Comment Period End	10/22/86	51 FR 26660
Public hearings	03/24/87	52 FR 1212
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA00

1492. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None.

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The Carcinogen Policy explicitly recognizes that periodic revisions are necessary in order to incorporate the latest scientific advances and techniques into the regulatory process. Hence, given the very rapid advances since 1980 in the understanding of the mechanisms of carcinogenesis, it is time for OSHA to review and modernize the Carcinogen Policy. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 1/19/81 (46 FR 4889). A proposal was published on 1/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 3/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 1/5/82 (47 FR 187) with comments due by 4/5/82. That document (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: also proposed to stay the publication of the candidate and priority lists. The final stay was published on 1/4/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response to the document published by the Office of Science and Technology Policy entitled "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985.

Government Levels Affected: Federal

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA01

1493. ETHYLENE OXIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1047

Legal Deadline: None.

Abstract: On July 25, 1986, in Public Citizen HRG v. Tyson, Docket No. 84-1252, the United States Court of Appeals for the District of Columbia upheld most of the final standard on EtO, including the 1 ppm TWA. However, the Court remanded, the standard to the Agency for the proceedings on whether a short term exposure limit is justified to further reduce the significant risk that exists with a 1 ppm TWA alone. In accordance with the Court's order, OSHA intends to reopen the rulemaking record to review the STEL issue.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA03

1494. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None.

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA is reviewing the current standards and intends to propose revisions following its analysis of the standard and other comments and information received in response to the ANPRM published 05/14/82 and the preproposal draft that was circulated for comment in September 1985.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20603
ANPRM Comment Period End	09/13/82	
Public comment period onpreproposal draft ends	11/29/85	
NPRM	04/00/87	
Public hearings on proposal	08/00/87	
Final Action	08/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA05

1495. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None.

Abstract: Following several years of rulemaking proceedings, OSHA, on June 20, 1986, published a revised final standard governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite in general industry and a new standard covering these substances in the construction industry. Since the standards' issuance, OSHA has received letters and petitions containing additional comments and information which the rulemaking record may not fully reflect. These comments concern the appropriateness of regulating non-asbestiform tremolite, anthophyllite and actinolite as presenting the same occupational health risk as asbestos. In order to assure that these submissions are fully considered, and to permit public comment on relevant issues, OSHA has granted a temporary stay of the effective date of the revised standards insofar as they apply to non-asbestiform tremolite, anthophyllite and actinolite. The stay is effective from July 21, 1986, to April 21, 1987. During this period, OSHA will reopen the rulemaking record for the purpose of reconsidering the issue of whether non-asbestiform tremolite, anthophyllite and actinolite should continue to be regulated as presenting the (Cont'd)

Timetable:

Action	Date	FR Cite
Notice of partial administrative stay	10/17/86	51 FR 37002
NPRM	10/00/87	

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): same health risk as asbestos or should be treated in some other way.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA26

1496. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None.

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA26

1497. HAZARDOUS MATERIALS—FLAMMABLE AND COMPRESSED GASES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart H

Legal Deadline: None.

Abstract: The present Subpart H, Hazardous Materials, standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards. It is the purpose of this revision to consolidate the existing standards for flammable and compressed gases by providing general requirements and specific requirements for selected gases which warrant special attention due to their hazards and uses within the industrial environment. The overall intended effect of the revision is to update and simplify the existing requirements while enhancing employee safety and health.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
NPRM	01/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution

Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA31

1498. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331

Legal Deadline: None.

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety- related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electrical equipment and includes requirements for both the safe use of the electrical equipment as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA32

1499. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None.

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913
NPRM - Second	12/00/87	
End of Comment Period for Second NPRM	03/00/88	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA34

1500. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None.

Abstract: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA36

1501. SCAFFOLDS AND SIMILAR WORK SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.28

Legal Deadline: None.

Abstract: Existing standards for scaffolds and similar working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA46 is a component of regulatory program RIN 1218-AB04 (Walking and Working Surfaces).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, D.C. 20210, 202 523-8061

RIN: 1218-AA46

1502. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart I

Legal Deadline: None.

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: No

Additional Information: 1. 1218-AA48 will be issued concurrently with 1218-AA46 and 1218-AA50 (Regulatory Program RIN 1218-AB04).

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA48

1503. LADDERS AND SIMILAR CLIMBING DEVICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30

Legal Deadline: None.

Abstract: Existing standards for ladders and similar climbing devices need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA50 is a component of regulatory program RIN 1218-AB04 (Walking and Working Surfaces).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA50

1504. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None.

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA51

1505. LOGGING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None.

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Affected Sectors: 24 Lumber and Wood Products, Except Furniture

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA52

1506. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.147, (New)

Legal Deadline: None.

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy would cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period End	09/15/80	

Action	Date	FR Cite
Preproposal Draft Submitted	07/00/83	
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Yes

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA53

1507. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING(PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None.

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because so much of the current standard is out of date, compliance is minimal. These revised guidelines will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry. No alternative other than revision is contemplated. The current standard is too outdated to serve as a basis for increased consultation, training or education. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	02/00/89	

Small Entity: Yes

Affected Sectors: 44 Water Transportation

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA56

1508. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.269

Legal Deadline: None.

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for employees working on or near facilities whose purpose is the generation and distribution of electricity.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	09/00/88	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA59

1509. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None.

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Affected Sectors: 26 Paper and Allied Products

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA61

1510. MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.600; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1926.603; 29 CFR 1926.604; 29 CFR 1926.605; 29 CFR 1926.606

Legal Deadline: None.

Abstract: This regulatory action is being made to update the rollover protective structures to reflect the latest technology. In addition, the action is to eliminate redundant provisions, remove outdated referenced consensus standards, and delete ambiguous language from Subpart O of Part 1926.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA63

1511. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None.

Abstract: The purpose of this regulatory action is to revise the Steel Erection Standard to state clearly which employees (connectors, bolt-up crew, etc.) are required to use fall protection; which type of fall protection can be used (belts, nets, decking, catch platforms, etc.); and at what height fall protection is needed to meet the fall protection requirements for steel erection operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA65

1512. FALL PROTECTION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.21 - .23.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA66

1513. SCAFFOLDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA68

1514. ACCESS AND EGRESS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.24 - .27; 29 CFR 1910.36 - .37.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA70

1515. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None.

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	09/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational

Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA71

1516. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None.

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	04/00/89	

Small Entity: Undetermined

Affected Sectors: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA72

1517. WELDING, CUTTING AND HEATING (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.251 - .252.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA73

1518. PERSONAL PROTECTIVE EQUIPMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.132 through .137.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA74

1519. COMPRESSED AIR (PART 1926)

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.803

Legal Deadline: None.

Abstract: OSHA published a "Request for Comments and Information" on April 22, 1985, on the subject of working in compressed air and decompression (50 FR 15756). Based on the information obtained, OSHA has determined that immediate action will not be taken. The Agency intends to continue data collection, and to reevaluate the decision in light of additional input, staff resources, and Agency priorities within 12 to 18 months.

Timetable:

Action	Date	FR Cite
Request for Comments and Information	04/22/85	50 FR 15756
Comment Period Closed	07/22/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA76

1520. HAZARDOUS MATERIALS—FLAMMABLE AND COMBUSTIBLE LIQUIDS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.106 (Revision)

Legal Deadline: None.

Abstract: Standards for flammable and combustible liquids, contained in 29 CFR 1910, Subpart H, would be revised to update existing criteria and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would address

current problem areas as liquid transfer, system leakage, and vapor recovery.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
NPRM	01/00/88	
Final Action	04/00/89	

Small Entity: Undetermined

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA77

1521. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000, Table Z-1

Legal Deadline: None.

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. OSHA intends to initiate rulemaking to revise the standard for BD pursuant to section 6(b) of the Occupational Safety and Health Act.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA83

1522. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.7; 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Affected Sectors: 373 Ship and Boat Building and Repairing

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8063

RIN: 1218-AA91

1523. SURFACE PREPARATION AND PRESERVATION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.32; 29 CFR 1915.33; 29 CFR 1915.34; 29 CFR 1915.35; 29 CFR 1915.36

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering surface preparation and preservation in enclosed confined and other spaces. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: Yes

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.94; 29 CFR 1910.106 - .107.

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA96

1524. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None.

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition has been granted,

in part, and denied, in part. Specifically, OSHA has issued a set of guidelines for controlling occupational exposure to DCM and has decided to proceed with rulemaking to develop a new permanent standard. OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard.

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	09/00/87	
Informal public hearings	12/00/87	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA98

1525. ● HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1200

Legal Deadline: None.

Abstract: On May 24, 1985, the U.S. Court of Appeals for the Third Circuit directed the Secretary of Labor to reconsider application of the Hazard Communication standard and to consider extending the application of the standard to employers in industries other than manufacturing unless he can state reasons why such application would not be feasible. Because the public rulemaking record for the Hazard Communication standard developed prior to OSHA's promulgation of the rule on November 23, 1983 does not contain sufficient information on industries other than those in the manufacturing sector, OSHA has initiated rulemaking action and related data-gathering activities to determine whether extension of the standard to cover other industry sectors is feasible.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	50 FR 48794
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AB02

1526. REVISION OF TELECOMMUNICATIONS TRAINING RECORDS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1910.268(c)

Legal Deadline: None.

Abstract: This regulatory action will propose to revise the current recordkeeping requirement that telecommunications employers maintain a record of employee training (under Subpart R) by requiring instead that employers certify that an employee has received the appropriate training outlined in the employer-developed training program. This action is being undertaken in compliance with the Paperwork Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Mr. Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB07

1527. REVISION OF CONSTRUCTION INDUSTRY TEST AND INSPECTION RECORDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None.

Abstract: The purpose of this regulatory action is to revise three provisions in Part 1926, Construction Safety and Health Regulations, to allow employers to prepare a record to certify that regulatory requirements have been met instead of requiring employers to maintain extensive and burdensome records of the results and findings of various tests and inspections required in the standards. OSHA is undertaking this action in compliance with the Paperwork Reduction Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, RM N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB12

1528. ● HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE (PART 1910)

Significance: Regulatory Program

Legal Authority: PL 99-499 Section 126; 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120 (Subpart H)

Legal Deadline: Statutory, October 16, 1987.

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Operations and Emergency Response by October 17, 1987. The law requires the proposed rule to address eleven areas: site analysis, training, medical surveillance, protective equipment, engineering controls, maximum surveillance, protective equipment, engineering controls, maximum exposure limits, informational programs, handling and labeling, new technology programs, decontamination procedures, and emergency response. The agency is developing a Regulatory

Impact Analysis; however, no preliminary information on cost or benefits is presently available. OSHA intends to conduct public hearings in three locations across the country to enhance public comment and participation in this rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/19/86	51 FR 45654
NPRM	04/00/87	
Public Hearings (April and May)	05/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Affected Sectors: All

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AB13

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Occupational Safety and Health Administration (OSHA)

1529. ETHYLENE DIBROMIDE (EDB)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None.

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public HearingHeld	02/08/84	
Final Action	02/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA06

1530. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.20

Legal Deadline: None.

Abstract: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions. OSHA is currently reviewing the information received and developing a final standard.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
NPRM Comment Period End	09/21/82	
Public Hearing Held	10/05/82	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA15

1531. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702

Legal Deadline: None.

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures of recent years indicate that revision of the existing standard applicable to such construction operations is necessary. The current concrete standard contains outdated referenced standards, gaps in coverage, redundant provisions, and provisions which may need clarification. The referenced standards are being updated and placed in the body of the standard. New standards are being added to cover precast concrete erection and masonry wall construction. The provisions that were identified as being redundant are being removed and the ambiguous provisions are being clarified.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
Comment Period Extended 30 Daysto 12/16/85	10/21/85	50 FR 42571

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Action	Date	FR Cite
NPRM Comment Period End	11/15/85	50 FR 37543
Public Hearing Scheduled	04/06/86	51 FR 11945
Public Hearing Rescheduled and Held June 17-18, 1986	05/09/86	51 FR 17203
Final Action	09/00/87	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA20

1532. GRAIN HANDLING FACILITIES (PARTS 1910 AND 1917)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1910; 29 CFR 1917

Legal Deadline: None.

Abstract: Hazards associated with fires and explosions in grain handling facilities have existed for many years. These hazards continue to exist, and pose a risk of harm to employees working in these facilities. Based on an extensive rulemaking record resulting from a proposed standard for grain handling facilities, OSHA is developing a final rule to mitigate the hazards associated with these facilities. OSHA is carefully considering the record to assure that the scope, application and other provisions of the standard appropriately address the hazards.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/80	45 FR 10732
ANPRM Comment Period End	03/24/80	
NPRM	01/06/84	49 FR 996
NPRM Comment Period End	06/08/84	49 FR 6923
Public Hearings held through 07/12/84	06/12/84	49 FR 6923
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA22

1533. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.66

Legal Deadline: None.

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim. The proposal provides flexibility in compliance through performance-oriented provisions as alternatives to positive engagement. It would also expand the scope of the current standard to include requirements covering additional suspension equipment, fall protection, and employee training.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	48 FR 6368
NPRM	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	50 FR 2890
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Informal Public Hearing	02/20/86	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA33

1534. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b), (c) and (f); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t) and (w); 29 CFR 1926.700(b)(1); 29 CFR 1926.951(b)(4)(i)

Legal Deadline: None.

Abstract: The existing standard is being proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA37

1535. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)(PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Legal Deadline: None.

Abstract: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts,

chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to 02/17/84	12/19/83	48 FR 56087
Public Hearing Held	03/13/84	
Limited Reopening of Comment Period Until 10/18/85	08/19/85	50 FR 33357
Final Action	07/00/87	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA38

1536. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None.

Abstract: The existing standard is being proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	02/23/87	51 FR 42680
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA40

1537. SAFETY TESTING/CERTIFICATION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1907, (Revision); 29 CFR 1910, (Revision); 29 CFR 1935, (New); 29 CFR 1936, (New)

Legal Deadline: Judicial, March 30, 1985. Deadline established pursuant to settlement agreement with MET Electrical Testing Company, Inc.

Abstract: This proposal addresses various requirements in the General Industry standards (Part 1910) for either "safety testing" of certain workplace equipment and materials or the use of equipment/materials "certified for safety." It would include many self-regulatory and standards-developing efforts in the private sector and use already existing systems (in private sector or Government) for (1) the accreditation of testing laboratories and third-party certification programs, and (2) the certification for safety of workplace equipment. New Part 1936 would affect only applicants seeking system recognition by OSHA. New Part 1935 would contain those test methods/procedures already specified in OSHA standards or adopted through 6(b) rulemaking. Amended Part 1910 would (1) clarify employer responsibilities, (2) require valid test results or certifications, and (3) provide uniformity in OSHA terminology for several already-existing requirements and definitions. The remainder of Part 1907 would be revoked.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/83	48 FR 270
ANPRM Comment Period End	03/15/83	48 FR 7204
NPRM	03/06/84	49 FR 8326
NPRM Comment Period End	06/21/84	49 FR 19336
Informal Public Hearing	09/25/84	49 FR 28739
Limited reopening of Proposed Rule until 12/31/84	11/30/84	49 FR 47049
Final Action First on Certain Aspects of Proposal	04/00/87	
Reopen Record on other Aspects for new Information	07/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: 1. Settlement agreement: MET Electrical Testing Company, Inc. v. Raymond J. Donovan, Secretary of Labor: Civil No. Y-82-1133, in the U.S. District Court for the District of Maryland. 2. ANPR Title: "Accreditation of Testing Laboratories" 3. NPRM Title: "Safety Testing or Certification of Certain Workplace Equipment and Materials (formerly entitled Accreditation of Testing Laboratories)."

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, Washington, D.C. 20210, 202 523-8061

RIN: 1218-AA42

1538. CRANE OR DERRICK SUSPENDED PLATFORMS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.550

Legal Deadline: None.

Abstract: The use of cranes and derricks to suspend personnel in platforms is a hazardous operation that is not currently covered by OSHA Construction Standards. OSHA has issued administrative instructions on this practice, but this alternative to rulemaking has not been successful. This NPRM has been developed to reduce the number of accidents, many of which involve multiple fatalities, that result from equipment inadequacies and failures or improper work practices.

Data to determine the potential costs and benefits from this rulemaking are currently being evaluated by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6260
NPRM Comment Period End	08/10/84	49 FR 25248
Public Hearing Held	09/18/84	
Final Action	07/00/87	

Small Entity: No

Affected Sectors: 15 Building Construction - General Contractors and Operative Builders; 16 Construction Other Than Building Construction - General Contractors; 17 Construction - Special Trade Contractors

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Ave. NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA45

1539. BENZENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-2; 29 CFR 1910.1028

Legal Deadline: None.

Abstract: OSHA has proposed to amend the existing standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's preliminary determination that the proposed standard is needed to reduce the risk of leukemia and other adverse health consequences of exposure to benzene. The D.C. Circuit dismissed a petition to set a specific deadline.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice changing public hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public hearings	03/11/86	50 FR 50512
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA47

1540. PRESENCE SENSING DEVICE INITIATION OF MECHANICAL POWER PRESSES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.211, (Revision); 29 CFR 1910.217, (Revision)

Legal Deadline: None.

Abstract: This regulatory action will remove an existing provision which prohibits presence sensing device initiation of mechanical power presses, and will add provisions which will enable the presence sensing device initiation to be done safely. Presence sensing device initiation has been identified as presenting potential increases in safety and productivity with an ergonomic advantage of less worker fatigue. A preliminary regulatory impact analysis has been completed. It is estimated that the discounted savings over the first 10 years the standard will be in effect will be approximately $535 million.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12700
NPRM Comment Period End	06/27/85	50 FR 12700
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA54

1541. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None.

Abstract: The existing standard is being proposed for revision because it contains references to non-government voluntary regulations by topic. The proposal raises several significant issues including: (1) what is the appropriate height limit where the use of ladders as a means of access should be required, and (2) what are appropriate field tests for determining ladder strength. (New Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (Scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.) This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA57

1542. SERVICING SINGLE PIECE RIM WHEELS (PART 1917)

Significance: Regulatory Program

Legal Authority: 33 USC 941; 29 USC 655

CFR Citation: 29 CFR 1917.44(o) (Revision)

Legal Deadline: None.

Abstract: OSHA intends to revise 1917.44(o) to include the servicing of single piece rim wheels. When the general industry rule for single piece rim wheels was issued (02/03/84), the Agency spoke of its desire to extend the same type of coverage to the maritime industry. The Agency has been petitioned by maritime labor and management groups to initiate this action.

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30230
NPRM Comment Period End	09/24/86	51 FR 30230
Final Action	07/00/87	

Small Entity: Undetermined

Affected Sectors: 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA75

1543. FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000; 29 CFR 1910.1048; 29 CFR 1910.19

Legal Deadline: None. There is currently no applicable legal deadline. However, OSHA has submitted documents to the U.S. Court of Appeals for the District of Columbia Circuit indicating its intention to complete this regulatory action in September 1987.

Abstract: Studies indicate adverse health effects in humans and animals exposed to airborne formaldehyde at concentrations permitted by OSHA's present standard. In humans, formaldehyde causes reversible sensory irritation of the eyes, nose, and throat of some persons at concentrations of about 1 ppm. As concentration increases, the prevalence and severity of effects increase. A chronic study in animals suggests that formaldehyde may also pose a carcinogenic risk since a statistically significant excess risk of cancer occurred at 5.6 and 14.3 ppm, and benign tumors and cytotoxic changes occurred at 2 ppm. This information indicates that the present OSHA standard for formaldehyde may need revision. On December 10, 1985, OSHA published a proposed standard. Public hearings were held in May 1985. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/85	50 FR 15179
ANPRM Comment Period End	08/15/85	50 FR 15179
NPRM	12/10/85	50 FR 50412
NPRM Comment Period End	03/10/86	50 FR 50412
Public hearings	05/05/86	51 FR 75842
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA82

1544. HAZARD COMMUNICATION IN SHIPYARD EMPLOYMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1915.97, (Revision)

Legal Deadline: None.

Abstract: As the shipbuilding and ship repairing industries (SIC 37) are covered under the scope of the Hazard Communication Standard (29 CFR 1910.1200), duplication of regulations exist due to similar requirements in Section 1915.97 dealing with informing employees about hazardous materials. This action would eliminate this duplication in the shipbuilding and ship repairing industries by deleting from 29 CFR 1915.97 those regulations (paragraphs (a), (b) and (c) of section 1915.97) dealing with hazard communication and referencing the Hazard Communication Standard. Shipbreaking, (SIC 44), would remain under the coverage of coverage of section 1915.97(a), (b) and (d). The mandatory use of the OSHA Form 20 (MSDS), currently required by section 1915.97 (c), would be eliminated for all three shipyard industries.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17991
NPRM Comment Period End	07/15/86	51 FR 17991
Final Action	04/00/87	

Small Entity: Yes

Affected Sectors: 37 Transportation Equipment; 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA88

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Veteran's Employment & Training (ASVET)

1545. ANNUAL REPORT FROM FEDERAL CONTRACTORS

Significance: Regulatory Program

Legal Authority: 38 USC 2012(d)

CFR Citation: 41 CFR 61-250

Legal Deadline: Statutory, February 12, 1983. Within 90 days of enactment which was October 14, 1982.

DOL—ASVET **Completed Actions**

Abstract: Implements requirements of 38 USC 2012(d) for an annual report from entities having contracts of $10,000 or more with Federal agencies or departments. Specifies that the report shall include the number of special disabled and Vietnam-era veterans in the contractor's work force by job category and hiring location, number of employees hired and of those hired, the number of special disabled and Vietnam-era veterans.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33360
ANPRM Comment Period End	09/18/85	50 FR 33360
NPRM	05/28/86	51 FR 19294
NPRM Comment Period End	06/27/86	51 FR 19294
Final Action	03/04/87	52 FR 6674
Final Action Effective	04/03/87	52 FR 6674

Small Entity: Undetermined

Agency Contact: Carlon J. Johnson, Veterans' Employment Specialist, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, Rm S1316, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9110

RIN: 1293-AA01

[FR Doc. 87-6607 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD - 202]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin 87-6, the April 1987 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354).

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW., Washington, DC 20520, telephone (202) 647-2350.

DATED: January 16, 1987.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Prerule Stage

1546. ESTABLISHMENT OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: Eventual U.S. ratification of 1973 Convention; Providing a Uniform Law on the Form of an International Will; will provide basis for establishing Registry

CFR Citation: 22 CFR 92.81(3), amendment to

Legal Deadline: None.

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention (see 3, above), there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986 with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29).

Timetable:

Action	Date	FR Cite
Hearing of Senate Foreign Relations Committee on the Convention	00/00/00	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, 202 647-3666

RIN: 1400-AA09

1547. ● FISHERMEN'S PROTECTIVE ACT PROCEDURES UNDER SECTION 7

Legal Authority: 22 USC 1977

CFR Citation: 22 CFR 33, (Revision)

Legal Deadline: None.

Abstract: This regulation clarifies procedures for the administration of the Fishermen's Guaranty Fund and claims evaluation, under Section 7 of the Fishermen's Protective Act, 22 USC 1971 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Peter H. Flournoy, Attorney-Adviser, Department of State, Office of the Legal Adviser, Washington, DC 20520, 202 647-2282

RIN: 1400-AA10

1548. ● REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509, Sec 6104; 31 USC 3801 to 3812

CFR Citation: Not yet determined

Legal Deadline: Statutory, April 21, 1987.

Abstract: Regulations implement the Program Fraud Civil Remedies Act of 1986, which establishes an administrative remedy for fraudulent claims or statements submitted to agencies. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to an agency is liable for a $5,000 penalty and an assessment of double damages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jean Bailly, Attorney-Adviser, Department of State, L/M, Room 4427A, 2201 C Street, NW, Washington, DC 20520, 202 647-4446

RIN: 1400-AA13

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

1549. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: 22 CFR 151

Legal Deadline: None.

Abstract: The Foreign Missions Act creates certain authorities for the

STATE

Proposed Rule Stage

Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of P.L. 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of P.L. 98-164.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: James E. Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400-AA04

1550. IMPLEMENTATION OF 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Significance: Regulatory Program

Legal Authority: None, until ratification of treaty.

CFR Citation: 22 CFR Not yet determined

Legal Deadline: None.

Abstract: The 1980 Hague Convention provides for the prompt return of children habitually resident in one contracting State who have been wrongfully abducted to another, including wrongful retention by a non-custodial parent. When the United States ratifies the Convention and Congress enacts the federal legislation, the Bureau of Consular Affairs will be tasked by executive order to serve as U.S. Central Authority (CA) under the Convention. Thus it will receive applications for the return of children wrongfully abducted to or retained in the United States. In conjunction with cooperating authorities in the U.S. State where the child is believed to be located, the CA's task will include seeking to locate the child, facilitating the initiation of a court action to require the child's return, arranging for the provision of information about the child's circumstances in the country of its habitual residence, and arranging for the child's return transportation if return is ordered. The President transmitted the convention for advice and consent to ratification by the Senate on October 30, 1985 (Senate Treaty Doc. 99-11). The Senate gave its advice and consent on October 9, 1986.

Timetable:

Action	Date	FR Cite
Senate Advice and Consent to ratification	10/09/86	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Detailed legal analysis of Convention, submitted to Senate Foreign Relations Committee Chairman Lugar (January 1986), was published with Convention text and other documents in the Federal Register of March 26, 1986 (pages 10494 to 10516).

Agency Contact: Carmen A. DiPlacido, Dir., Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, 202 647-3666

RIN: 1400-AA05

1551. BANKING SERVICES - PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None.

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Government Levels Affected: State, Federal

Agency Contact: James Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400-AA07

1552. ● DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c)

CFR Citation: 48 CFR 601 to 653, (New)

Legal Deadline: None.

Abstract: The Department of State is publishing the Department of State Acquisition Regulation (DOSAR) as part of the Federal Acquisition Regulations System, which consists of the Federal Acquisition Regulation (FAR) and agency acquisition regulations that implement or supplement the FAR. This action is necessary to provide regulatory guidelines not otherwise found in the FAR for Department of State acquisitions. There are no other alternatives for addressing the problem; the DOSAR must be established in accordance with FAR Subpart 1.3. By this action, the Department of State will establish a single regulation for its acquisition policies, procedures, contract clauses, solicitation procedures, and forms that govern its relationship with its contractors and prospective contractors.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	
Final Action Effective	06/00/87	
Begin Review	06/00/87	
End Review	00/00/00	

Small Entity: No

Agency Contact: John J. Conway, Procurement Executive, Department of

STATE **Proposed Rule Stage**

State, Room 227, SA-6, Washington, DC 20520, 202 235-9258

RIN: 1400-AA16

DEPARTMENT OF STATE (STATE) **Final Rule Stage**

1553. GUIDELINES FOR EXTRAORDINARY PROTECTION OF FOREIGN MISSIONS

Significance: Agency Priority

Legal Authority: 22 USC 4314; PL 99-93, Sec 126

CFR Citation: 22 CFR 2(a)

Legal Deadline: None.

Abstract: In some cases where the Secretary of State has requested extraordinary protective services, such as fixed guardposts at a building or residence, or dedicated bodyguard protection for a foreign official who has been specifically threatened, some local authorities have had difficulty in providing protection.

Through the Foreign Missions Act and the Foreign Missions Act Amendments of 1985, Congress has authorized the Secretary of State to provide, among other benefits, protective services to foreign missions. Thus, the Secretary may arrange with State and local authorities for extraordinary protection for foreign officials where necessary, either by request of local authorities or on the Secretary's initiative.

For fiscal year 1986, $2.5 million was provided in addition to amounts for reimbursement to New York, a program previously administered by the Treasury Department.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	51 FR 28391
Consultations with local law enforcement officials began	01/01/86	
NPRM	08/07/86	
Final Action	08/07/86	51 FR 28391
NPRM Comment Period End	10/07/86	
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: Discussions with representative groups of local law enforcement authorities on the draft guidelines have been completed.

The law requires prior consultation with the Congress on the guidelines. Consultations with relevant committees of Congress began 1/1/86, have now been completed. Currently we consult with relevant law enforcement authorities on the actual implementation of these regulations.

Agency Contact: Sidney Teleford, Director for Protective Security, Department of State, Bureau of Diplomatic Security, Washington, DC 20520, 202 647-2596

RIN: 1400-AA03

[FR Doc. 87-6610 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 87-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated, or for which action has been completed since the last agenda. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 Seventh Street, SW., Washington, DC 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, SW., Washington, DC 20591; the U.S. Coast Guard, which is located at 2100 Second Street, SW., Washington, DC 20593; and the Saint Lawrence Seaway Development Corporation, which is located at 400 Seventh Street, SW., Room 5424, Washington, DC 20026-4090.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, 202-366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Supplementary Information:
- Background
- Regulatory Flexibility Act
- Definitions
- Explanation of Information on the Agenda
- Mailing Lists for Regulatory Documents
- General Rulemaking Contact Persons
- Public Rulemaking Dockets
- Request for Comments
- Purpose
- Appendix A - Instructions for Obtaining Copies of Regulatory Documents
- Appendix B - General Rulemaking Contact Persons
- Appendix C - Public Rulemaking Dockets

Agenda

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register**. The agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register**. The Department's last agenda was published in the **Federal Register** on October 27, 1986 (51 FR 38613). The next one is scheduled for publication in the **Federal Register** in October, 1987.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The heading "Small Entity" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no." If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. A "yes" or "no" will be found under the heading "small entity," for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The agenda covers all rules and regulations of the Department, including

those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

(1) Is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines requires such an analysis.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget Bulletin No. 86-16 (July 2, 1986).

First, the agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the agenda is divided into four categories: (1) prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) the "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority; or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline; (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities; (9) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a "RIN" number assigned solely to identify an individual action in the agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291,

must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the Federal Register would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the Federal Register every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the Federal Register, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the explanation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the Federal Register to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the Federal Register does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning

the agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC on March 12, 1987.

Elizabeth Hanford Dole,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591.

Federal Highway Administration (FHWA)

The FHWA has in the past maintained a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Due to staff and budgetary constraints, it has become necessary to discontinue the availability of this service.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any regulatory document to be issued by the NHTSA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the address specified below: (Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street, SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mr. David A. Watson, Training Unit, DHM-51, OHMT/RSPA, 400 7th Street, SW., Washington, DC 20590.

Maritime Administration (MARAD)

Anyone desiring a copy of a MARAD regulatory document referred to in the agenda may request a copy of that document by contacting James Saari, Secretary, Maritime Administration, 400 Seventh Street, SW., [Room 7300B], Washington, DC 20590, (202) 366-5746.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons requesting a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation-related rulemakings.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 2110, 2100 Second Street, SW., Washington, DC 20593. Telephone: 202/267-1477.

FAA - John H. Cassady, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915A, Washington, DC 20591. Telephone: 202/267-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, SW., Room 4223, Washington, DC 20590. Telephone: 202/366-1383.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, SW., Room 8201, Washington, DC 20590. Telephone: 202/366-0787.

NHTSA - Steve Oesch, Office of Chief Counsel, 400 7th Street, SW., Room 5219, Washington, DC 20590. Telephone: 202/366-2992.

UMTA - Katherine Cowen, Office of Chief Counsel, 400 7th Street, SW., Room 9223, Washington, DC 20590. Telephone: 202/366-1936.

DOT

SLSDC - Fredrick A. Bush, General Counsel's Office, 400 7th Street, SW., Room 5424, Washington, DC 20590. Telephone: 202/366-0101.

RSPA - Rebecca Bentson, Office of Chief Counsel, 400 7th Street, SW., Room 8420, Washington, DC 20590. Telephone: 202/366-4401.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street, SW., Room 7300B, Washington, DC 20590. Telephone: 202/366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, SW., Room 10424, Washington, DC 20590. Telephone: 202/366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, SW., Room 2110, Washington, DC 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, SW., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404), Washington, DC 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, SW., Room 5108, Washington, DC 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, SW., Room 9223, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, SW., Room 8426, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, SW., Room 7300, Washington, DC 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1554	+ Review of Department-Wide Drug Regulations	2105-AB24
1555	+ Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1556	+ Escrow/Bond Protection for Airline Tickets	2105-AB26
1557	Air Carrier Cargo Tariff Publications	2105-AA31
1558	Overseas Military Personnel Air-Charter Tariffs	2105-AA67
1559	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1560	Cargo Rate Changes on 30 Days' Notice	2105-AA99
1561	Comprehensive Review of CAB Consumer Rules	2105-AB03
1562	Price Advertising	2105-AB25

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1563	+ Electronic Filing of Tariffs	2105-AB00
1564	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1565	+ Commercial Space Transportation: Third-Party Liability Insurance for Commercial Space Launch Activities	2105-AA26
1566	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
1567	+ Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1568	+ Certification of Speed-Limit Enforcement	2105-AB22
1569	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1570	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
1571	Airline Time and Mileage Guides	2105-AA39
1572	Direct Flights	2105-AA73
1573	Diversion of Flights Within a Metropolitan Area	2105-AA78
1574	Baggage Liability Notices in International Air Transportation	2105-AA84
1575	Simplified Airline Counter-Sign Notices	2105-AA88
1576	Update the Department of Transportation Acquisition Regulations to Implement the Competition in Contracting Act as Set Forth in the Federal Acquisition Regulations--Proposed Rules	2105-AB15
1577	Warranty Regulations for Major System Acquisitions of the United States Coast Guard - Proposed Rule	2105-AB16
1578	Names of Air Carriers and Foreign Air Carriers	2105-AB18

DOT

Office of the Secretary—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1579	+ Commercial Space Transportation: Licensing Regulations	2105-AA25
1580	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1581	+ Public Availability of Information	2105-AA05
1582	+ Nondiscrimination on the Basis of Handicap (Commuter Rail Programs)	2105-AB23
1583	Title VI Civil Rights Regulation	2105-AA02
1584	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1585	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1586	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1587	Minority Business Enterprise Program (Financial Assistance Programs); Counting Credit for Suppliers and Other Service Providers	2105-AA20
1588	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1589	Zones for Airline Mail Rates	2105-AA44
1590	Air Travelers: Age Discrimination	2105-AA45
1591	Policy Statement on Airline Preemption	2105-AA46
1592	Insurance for On-Demand Air-Taxi Operators and Canadian Air Taxis	2105-AA47
1593	Effect of Expiration of a Bilateral on Foreign Air-Carrier Authority	2105-AA68
1594	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1595	Simplified Aviation Exemption Procedures	2105-AA82
1596	Exemption From Prior-Approval Requirements for Certain Transactions	2105-AB20

+ Designates significant regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1597	+ 14 CFR Parts 204 and 291, Limitation on Fitness Determination: Revocation of Operating Authority	2105-AB19
1598	Certificate Duration in Limited-Entry Markets. Notice Requirements for Carriers Leaving Limited-Entry Markets During a Selection Case. Procedures and Criteria for Selecting Carriers	2105-AA49
1599	Nondiscrimination in Federally-Assisted Aviation Economics-Related Programs of DOT	2105-AA66
1600	Joint Tariff Filing by Foreign Airfreight Forwarders	2105-AA69
1601	Essential Air Service Subsidy for the Freely Associated States	2105-AA86
1602	Employment Discrimination Against Handicapped Persons by Air Carriers	2105-AA92

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1603	+ California Offshore Routing System (83-032)	2115-AB29
1604	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1605	+ Regulations for Self-Elevating Offshore Service and Support Vessels (CGD 86-074)	2115-AC63
1606	Casualty Reporting Requirements for Recreational Boats (82-015)	2115-AA82
1607	Revocation of Military Explosives Regulations (83-006)	2115-AB33
1608	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1609	Inspected Fish Processing and Fish Tender Vessels (86-026)	2115-AC27
1610	Uninspected Fish-Processing Vessels (86-025)	2115-AC34

+ Designates significant regulation.

DOT

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1611	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1612	+ Operating a Vessel While Intoxicated: Commercial Vessels (84-099)	2115-AC23
1613	+ Operating a Vessel While Intoxicated: Recreational Vessels (84-099A)	2115-AC24
1614	+ Mandatory Alcohol and Drug Testing Following Serious Marine Incidents Involving Commercial Vessels (CGD 86-080)	2115-AC62
1615	+ Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116)	2115-AA03
1616	+ Vessel Bridge-to-Bridge Radiotelephone Communications on the Great Lakes (84-040)	2115-AB89
1617	+ Drug Detection for Merchant Marine Personnel (CGD 86-067)	2115-AC45
1618	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1619	Hopper Dredge Working Freeboard - Load Line and Stability Requirements (76-080)	2115-AA11
1620	Defect Notification and First-Purchaser Information (77-115)	2115-AA16
1621	Miscellaneous Changes to 46 CFR 56 (77-140)	2115-AA17
1622	Crane Operator Qualifications and Standards for Offshore Crane Design, Inspection, Testing, and Operation (79-059)	2115-AA34
1623	Inflatable Liferaft Stability (80-113)	2115-AA50
1624	Maneuvering Performance Regulations (80-136)	2115-AA53
1625	Servicing Inflatable Liferafts (81-010)	2115-AA57
1626	Personal Flotation Devices (81-023)	2115-AA58
1627	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1628	Offshore Supply Vessel Regulations (82-004)	2115-AA77
1629	General Revisions of Pollution-Prevention Regulations for Tankers (82-030)	2115-AA88
1630	Hand-Held Flashlights: Independent Inspection Agencies (82-042)	2115-AA91
1631	Aids to Navigation on Outer Continental Shelf (82-054)	2115-AA92
1632	Safety Standards for Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
1633	Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (82-092)	2115-AB21
1634	Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1635	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1636	Hazardous Materials Used as Ship's Stores Onboard Vessels (84-044)	2115-AB65
1637	Oil-Water Interface Detectors (CGD 84-052)	2115-AB66
1638	Licensing of Pilots-Manning of Vessels (84-060)	2115-AB67
1639	Marine Portable Tanks (84-043)	2115-AB69
1640	Personal Flotation Device Components (84-068)	2115-AB70
1641	Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1642	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1643	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1644	Certification of Seamen (84-088)	2115-AC02
1645	Inland Waterway Navigation Regulations; All Waters Tributary to the Gulf of Mexico (85-096)	2115-AC03
1646	Delegation of Authority to United States Classification Societies (85-019)	2115-AC10
1647	Fire Detection and Alarm Systems (85-051)	2115-AC13
1648	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18
1649	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1650	Subchapter "T" Title 46, General Updates and Revisions (85-080)	2115-AC22
1651	46 CFR Subchapter 1. Editorial Revisions and Corrections (86-033)	2115-AC28
1652	Hazardous Substances Pollution Prevention (86-034)	2115-AC29
1653	Updating Approval Requirements for Breathing Apparatus (86-036)	2115-AC30
1654	Revised Approval Specifications for Noncombustibles and Prohibition of Asbestos for Commercial Vessels (86-035)	2115-AC32
1655	U.S. Aid to Navigation Systems (86-031)	2115-AC33
1656	Load Lines (86-013)	2115-AC37
1657	Self-Inspection of Fixed OCS Facilities (CGD 84-098(a))	2115-AC40
1658	Offshore Evacuation Procedures (84-098(b))	2115-AC41
1659	Navigation Bridge Visibility (CGD 85-099)	2115-AC42
1660	Fire Extinguishers (Portable and Semi-Portable) - Revising Approval Specifications and Updating Carriage Requirements (86-072)	2115-AC43
1661	SOLAS 74/83 Life Jacket Approval Requirements Revision (85-200)	2115-AC46
1662	SOLAS 74/83 Lifeboat and Rescue Boat Approval Requirements (85-201)	2115-AC47
1663	SOLAS 74/83 Emergency Drinking Water and Food Approval Requirements (85-202)	2115-AC48
1664	SOLAS 74/83 Revision of Pyrotechnic Distress Signal Approval Requirements (85-203)	2115-AC49
1665	SOLAS 74/83 Revision of Disembarkation Ladder Approval Requirements (85-204)	2115-AC50
1666	SOLAS 74/83 Revision to Inflatable Liferaft Approval (85-205)	2115-AC51
1667	SOLAS 74/83 Revision of Hydraulic Release Device Approval Requirements (85-206)	2115-AC52
1668	SOLAS 74/83 Revision of Davit and Winch Approval Requirements (85-207)	2115-AC53
1669	SOLAS 74/83 Radar Reflector Approval Requirements (85-209)	2115-AC54
1670	SOLAS 74/83 Revision of Lifebuoy Approval Requirements (85-210)	2115-AC55
1671	SOLAS 74/83 Revision of Life Jacket Light Approval Requirements (85-211)	2115-AC56

DOT

U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1672	Advance Notice of Arrival (CGD 86-055)	2115-AC58

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1673	+ Intervals for Drydocking and Tailshaft Examination on Inspected Vessels (84-024)	2115-AB58
1674	+ Joint U.S.-Canada Vessel Traffic Management Regulations for the Pacific Region (79-131)	2115-AA39
1675	+ Licensing of Maritime Personnel (CGD 81 - 059)	2115-AA64
1676	+ Safety Rules for Vessels Engaged in Chemical Waste Incineration at Sea (84-025)	2115-AB60
1677	+ Implementation of the North American Datum of 1983 (NAD 83) (CGD 86-082)	2115-AC44
1678	Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (77-069)	2115-AA00
1679	Liquefied Natural Gas Waterfront Facility (78-038)	2115-AA22
1680	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
1681	Launching Devices for Liferafts (79-168)	2115-AA45
1682	Automated and Remote-Control Monitoring of Vital Systems (81-030)	2115-AA59
1683	General Bridge Permit Regulations (81-057)	2115-AA61
1684	Safety/Security Zone Regulations	2115-AA97
1685	Anchorage Area Regulations	2115-AA98
1686	Documentation of Vessels; Controlling Interest (82-105)	2115-AB27
1687	Carriage and Use of Liquefied or Nonliquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1688	Accommodations, Rails and Guards (84-073)	2115-AB68
1689	Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1690	MARPOL Pollution Prevention Regulations (85-026)	2115-AC11
1691	Carriage and Operational Requirements for Inflatable Life Jackets (78-174b)	2115-AC16
1692	Heald Bank Cutoff Safety Fairway (85-062)	2115-AC19
1693	Berwick Bay Vessel Traffic Service (85-076)	2115-AC21
1694	Compatibility of Cargoes (86-100)	2115-AC35
1695	Boating Safety; Fuel System Standard (85-098)	2115-AC36
1696	Great Lakes Pilotage Rates (86-020)	2115-AC38

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1697	+ Workplace Safety and Health Requirements for Facilities on the Outer Continental Shelf (79-077)	2115-AA35
1698	Review: Vessel Reporting Requirements	2115-AB28
1699	Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (80-159)	2115-AA01
1700	Reception Facilities (78-035)	2115-AA21
1701	Tank Vessels Carrying Noxious Liquid Substances in Bulk; Pollution Prevention and Control, Equipment and Operational Requirements (81-101)	2115-AA73
1702	Fairways on the Southern Coast of Alaska (81-103)	2115-AA74
1703	Subchapter "D" & "O" Barges - Internal Inspections (82-005)	2115-AA78
1704	Independent Laboratory Inspection of Lifesaving Equipment (83-030)	2115-AB38
1705	Editorial Changes to Title 46 CFR Resulting from P.L. 98-89 (83-067)	2115-AB54
1706	Mobile Offshore Drilling Unit Operating Manual Requirements (83-071)	2115-AB56
1707	Exception of Unmanned Barges from COLREGS Vertical Sector Light Requirements (84-049)	2115-AB90
1708	Lifesaving Equipment: Immersion Suits (84-069a)	2115-AB98
1709	Puget Sound: Vessel Traffic Service (85-092)	2115-AC01
1710	Type A and B Fuel Hose in the Fuel Systems Standard (85-098)	2115-AC04
1711	Boating Safety; Certification and Safe Powering Standards (85-002)	2115-AC07
1712	Control of Residues and Mixtures Containing Oil or Noxious Liquid Substances (85-010)	2115-AC08
1713	Boating Safety; Ventilation Standard (85-059)	2115-AC15
1714	Puget Sound Vessel Traffic System (85-092)	2115-AC26

DOT

U.S. Coast Guard—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1715	Documentation of Vessels	2115-AC31
1716	Inland Waterway Navigation Regulations; Gulf of Mexico (85-096)	2115-AC39

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1717	+ Review of Medical Standards and Certification Procedures	2120-AA70
1718	+ Improved Seat-Safety Standards	2120-AA88
1719	+ Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1720	+ Fire Protection Requirements for Cargo and Baggage Compartments - Parts 121 and 135	2120-AC04
1721	Review: Part 21--Certification Procedures for Products and Parts	2120-AB09
1722	Review: Part 67--Medical Standards and Certification	2120-AB13
1723	Review: Part 141--Pilot Schools	2120-AB14
1724	Review: Part 121 -- Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
1725	Review: Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28
1726	Miscellaneous Amendments	2120-AA50
1727	Accelerated Ground Training - Flight Engineers' Skill Requirements	2120-AA79
1728	Instrument Flight Rule Requirements	2120-AA82
1729	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1730	Part 61--Certification: Pilots and Flight Instructors	2120-AB12
1731	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1732	Low-Fuel-Quantity Alerting System	2120-AB46
1733	Antiblocking Device	2120-AB92
1734	Flight Attendant Flight Time Limitations and Rest Requirements	2120-AB97
1735	Aircraft Fleet Modernization Strategies	2120-AC03
1736	Aircraft Registration; Recording of Aircraft Titles and Security Documents	2120-AC17
1737	Noise and Emission Standards for Aircraft Powered by Advanced Turboprop (Propfan) Engines	2120-AC20

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1738	+ Review and Revision of Repair Station Requirements	2120-AC38
1739	+ Low-Altitude Windshear Equipment Requirements for Takeoffs/Landings of Transport Category Airplanes	2120-AA01
1740	+ Metropolitan Washington Airports Policy	2120-AA89
1741	+ Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems	2120-AA57
1742	+ Airplane Cabin-Fire Protection	2120-AB22
1743	+ Civil Helicopter Noise Certification	2120-AB33
1744	+ Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1745	+ Proposed Department of Energy Prohibited Areas	2120-AB39
1746	+ Elimination of Airport Delays	2120-AB42
1747	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1748	+ Ultralight Aircraft Registration and Marking	2120-AC09
1749	+ Part 23 Airworthiness Review - Notice No. 1 (Crashworthiness)	2120-AC16
1750	+ SST Stage 3 Compliance	2120-AC22
1751	+ Location of Passenger Emergency Exits in Transport-Category Airplanes	2120-AC29
1752	+ Flight Attendant Requirements During Deplaning and Boarding	2120-AC32
1753	+ Control of Drug and Alcohol Use for Personnel Engaged in Commercial and General Aviation Activities	2120-AC33
1754	+ Installation of Traffic Control Avoidance System in Domestic Transport Category Airplanes	2120-AC34
1755	+ Single-Class Terminal Control Area	2120-AC35
1756	+ Terminal Control Area Pilot and Equipment Requirements	2120-AC36
1757	Part 91, Subpart B, National Airspace Review Recommendations	2120-AA07
1758	Objects Affecting Navigable Airspace	2120-AA09

DOT

Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1759	Cessna Finance Petition	2120-AA15
1760	Inoperative Instruments or Equipment	2120-AA19
1761	Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1762	Standards for Approval of an Automatic Takeoff Thrust Control System	2120-AA46
1763	Transport Category Airplane Airworthiness Standards	2120-AA47
1764	Implementation of SAFER Propulsion System Recommendations	2120-AA49
1765	Noise Standards: Aircraft Type and Airworthiness Certification	2120-AA74
1766	Aircraft Simulator Use in Airman Training and Certification	2120-AA83
1767	Transport Rotorcraft Structural Fatigue and Damage Tolerance	2120-AA84
1768	National Airspace Review (NAR) Terminal Airspace Task Group Recommendations	2120-AB02
1769	Bird Impact and Lightning Protection for Propellers of Composite Construction	2120-AB05
1770	Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1771	Transport Category Rotorcraft Performance	2120-AB36
1772	Miscellaneous Operational Amendments	2120-AB45
1773	Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records	2120-AB53
1774	Powered Ultralights: Airman Certification Requirements	2120-AB69
1775	Part 157 Review	2120-AB74
1776	Part 101 Review Program	2120-AB75
1777	Engine Fuel and Induction Systems	2120-AB76
1778	Expansion of Applicability of Section 43.17 to Include Any Country with Appropriate Bilateral Airworthiness Agreement, Including Maintenance	2120-AB89
1779	Revised One-Engine-Inoperative Ratings for Rotorcraft	2120-AB90
1780	Turbine Burst Protection for Transport Category Helicopters	2120-AB91
1781	Controlled Air Space Designations in International Air Space	2120-AB93
1782	Airspace Reclassification	2120-AB95
1783	Terminal Control Area (TCA) San Diego (Modification)	2120-AB98
1784	Transponder Requirements	2120-AB99
1785	Changes Requiring a New Type Certificate	2120-AC05
1786	Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
1787	Part 23 Airworthiness Review, Notice No. 5 (Equipment, Systems, and Installation)	2120-AC14
1788	Part 23 Airworthiness Review, Notice No. 2	2120-AC15
1789	Part 150 - Airport Noise-Compatibility Planning	2120-AC19
1790	Rotorcraft Certification Requirements Coordination with European Airworthiness Authorities Steering Committee (AASC)	2120-AC27
1791	Security Control of Air Traffic	2120-AC37

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1792	+ Update of Part 139	2120-AA10
1793	+ Carry-On Baggage	2120-AC06
1794	+ Certification of Recreational Pilots and Annual Flight Review	2120-AA54
1795	+ Protective Breathing Equipment	2120-AB32
1796	+ Proposed Revision to Noise Certification Standards for Propeller-Driven Small Airplanes	2120-AB47
1797	+ Charges for Use of Metropolitan Washington Airports	2120-AB48
1798	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1799	Review: Carriage of Weapons and Other Dangerous Objects at Washington National Airport and Washington Dulles International Airport	2120-AC01
1800	Revision of Part 91	2120-AA13
1801	Rotorcraft Regulatory Review Program Amendment No. 3	2120-AA28
1802	Foreign Air Carriers and Operators of Certain Large U.S.- Registered Airplanes	2120-AA42
1803	Amend Part 23 to Include Empennage Fatigue Requirements	2120-AA58
1804	Nighttime VFR Weather Minimums	2120-AB04
1805	Airworthiness Standards; Aircraft Engine, Engine Control Systems	2120-AB06
1806	Helicopter Instrument Flight	2120-AB87
1807	Flight Plan and Transponder Requirements	2120-AC00
1808	Preflight Assembly of Gliders and Balloons	2120-AC10
1809	Aircraft Identification and Retention of Fuel System Modification Records	2120-AC11

DOT

Federal Aviation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1810	Part 95 Instrument Flight Rules	2120-AA63
1811	Airworthiness Directives	2120-AA64
1812	Standard Instrument Approach Procedures	2120-AA65
1813	Airspace Actions	2120-AA66

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1814	+ Parts Manufacturer Approvals	2120-AA00
1815	+ Flight Recorders and Cockpit Voice Recorders	2120-AA95
1816	+ Advanced V/STOL Rotorcraft Standards	2120-AB25
1817	+ Mode S Transponder	2120-AB03
1818	Metropolitan Washington Airports Regulations	2120-AA12
1819	Recording of Aircraft Titles and Security Documents - Notice of Lien	2120-AA14
1820	Rotorcraft Review Notice No. 5-Operations and Maintenance	2120-AA30
1821	Regulation of Motor Vehicles Carrying Passengers for Hire at Washington National Airport	2120-AA62
1822	High Density Airport Traffic Rule	2120-AA72
1823	Revise Part 23 to Include Commuter Category Airplanes	2120-AA77
1824	FAR 23.49(b) Stall Speeds for Single-Engine and Multi-Engine Airplanes of 6,000 lbs. or Less	2120-AA92
1825	Appendix G, Continuous Turbulence Criteria	2120-AB20
1826	Type Certification Procedures - Special Classes of Aircraft	2120-AB44
1827	Dealer's Aircraft Registration Certificate	2120-AB49
1828	Helicopter Minimum Flightcrew	2120-AB66
1829	Special Flight Authorization for Noise-Restricted Aircraft - SFAR 47	2120-AC21
1830	IFR Altitudes	2120-AC31

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1831	+ Truck Size and Weight; Reasonable Access	2125-AB70
1832	+ Blood Alcohol Concentration Standard for Commercial Vehicle Operators	2125-AB79
1833	Highway Beautification: Outdoor Advertising: Technical Amendment	2125-AB32
1834	Manual on Uniform Traffic Control Devices; Restructure	2125-AB57

+ Designates significant regulation.

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1835	+ Federal Motor Carrier Safety Regulations; General	2125-AA34
1836	+ Qualification of Drivers; Drugs; Post-Accident Testing	2125-AA79
1837	+ Inspection, Repair, and Maintenance	2125-AB34
1838	+ Federal Motor Carrier Safety Regulations	2125-AB35
1839	+ Parts and Accessories Necessary for Safe Operation; General	2125-AB45
1840	+ Employee Safety and Health Standards	2125-AB50
1841	+ Driving a Motor Vehicle	2125-AB51
1842	+ Truck Size and Weight; Specialized Equipment; Boat Transporters	2125-AB55
1843	+ Qualification of Drivers; Hazardous Materials Drivers	2125-AB64
1844	+ Semitrailer-Semitrailer; B-Train	2125-AB66

DOT

Federal Highway Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1845	+ National Commercial-Vehicle Driver-Licensing Standards; Single-License Standards	2125-AB68
1846	+ Truck Size and Weight; Special Permits	2125-AB80
1847	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10
1848	+ Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers	2125-AB62
1849	+ Minimum Levels of Financial Responsibility for Motor Carriers: Self-Insurance	2125-AB65
1850	Review: General Materials Requirements	2125-AA19
1851	Contract Procedures	2125-AA18
1852	Compliance with Motor Carrier Noise Standards	2125-AA27
1853	Railroad Grade Crossings	2125-AA36
1854	Pavement Design Policy	2125-AA88
1855	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
1856	State Highway Agency Construction Contracts; Equal Opportunity Compliance Review; Program Requirements	2125-AB06
1857	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)	2125-AB15
1858	Federal-Aid Programs Approval and Project Authorization	2125-AB18
1859	Railroad-Highway Projects	2125-AB25
1860	Administration of Contracts	2125-AB30
1861	Structural Supports for Highway Signs, Luminaries and Traffic Signals	2125-AB56
1862	Right-of-Way	2125-AB58
1863	Property Management and Disposals	2125-AB60
1864	National Bridge Inspection Standards; Frequency of Inspection and Inventory	2125-AB71
1865	Manual on Uniform Traffic Control Devices	2125-AA37

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1866	+ Splash/Spray Suppressant Devices on Truck Tractors, Semitrailers and Trailers	2125-AA84
1867	+ Truck Size and Weight; Grandfather Semitrailer Lengths	2125-AB26
1868	+ Truck Size and Weight; Tandem Truck Safety Act	2125-AB28
1869	+ Hours of Service	2125-AB39
1870	+ Truck Size and Weight; Automobile Transporters	2125-AB42
1871	+ Truck Size and Weight; Lane Widths	2125-AB43
1872	+ Safety Fitness Determination	2125-AB46
1873	+ Truck Size and Weight; Specialized Equipment; Maxi-Cube	2125-AB48
1874	+ Accommodation of Utilities; Longitudinal Utility Use of Freeway Right-of-Way	2125-AB76
1875	+ National Commercial-Vehicle Driver-Licensing Standards; Requirements and Penalties	2125-AB78
1876	+ Environmental Impact and Related Procedures	2125-AA05
1877	Emergency Relief	2125-AA50
1878	Transfer of Federal-Aid Highway Funds	2125-AA64
1879	Acceleration of Projects	2125-AA87
1880	Navigational Clearances for Bridges	2125-AB07
1881	Required Contract Provisions	2125-AB20
1882	Labor and Employment	2125-AB37
1883	Agreement Provisions Regarding Overruns in Contract Time	2125-AB49
1884	Reimbursement for Railroad Work	2125-AB59
1885	Cargo Preference	2125-AB73
1886	Minimum Levels of Financial Responsibility for Motor Carriers; Environmental Restoration	2125-AB77

+ Designates significant regulation.

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1887	+ Parts and Accessories Necessary for Safe Operation; Front-Wheel Brakes	2125-AB63
1888	+ Minimum Levels of Financial Responsibility for Motor Carriers; Evidence	2125-AB61

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Federal Highway Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1889	Written Examination	2125-AA33
1890	Samples and Testing of Materials and Construction	2125-AB31
1891	Truck Length and Width Exclusive Devices	2125-AB69
1892	Notification and Reporting of Accidents; Property Damage Threshold	2125-AB74
1893	Mitigation of Environmental Impacts to Privately Owned Wetlands; Technical Amendments	2125-AB75
1894	Accounting; Rescission of Regulations	2125-AB81
1895	National Standards for Specific Information Signs; Rescission of Regulations	2125-AB72

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1896	+ Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
1897	+ Side Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation	2127-AB85
1898	+ Uniform Tire-Quality Grading	2127-AA52
1899	+ Occupant Crash Protection	2127-AB91
1900	Review: Schoolbus Seating Systems	2127-AA65
1901	Review: Seating Systems	2127-AA69
1902	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
1903	Flammability of School Bus Interior Materials	2127-AA44
1904	Consumer Information - Wet Stopping Distance	2127-AA56
1905	Vehicle Classification - Compact Vans/Station Wagons	2127-AA57
1906	Occupant Protection In Interior Impact	2127-AB16
1907	Voluntary Tire Registration	2127-AB18
1908	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AB43
1909	Occupant Crash Protection: Dynamic-Testing Petition	2127-AC00

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1910	+ Crashworthiness Ratings	2127-AA03
1911	+ Commercial Vehicle Conspicuity	2127-AA12
1912	+ Truck Rear Underride Protection	2127-AA43
1913	+ Pedestrian Protection	2127-AA45
1914	+ Anthropomorphic Test Dummies: Side-Impact Thorax Protection	2127-AA48
1915	+ Splash and Spray Suppression Devices	2127-AA97
1916	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
1917	+ Side Impact Protection: Thorax Protection	2127-AB86
1918	+ Lighting Simplification--Potential Amendments to Simplify FMVSS 108 Lamps, Reflective Devices, and Associated Equipment	2127-AB87
1919	+ 1990-1991 Model Year Light-Truck Fuel-Economy Standards	2127-AC05
1920	+ Daytime Running Lights	2127-AB92
1921	+ Head Restraints	2127-AC06
1922	Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
1923	Passenger Car Brake Systems	2127-AA13
1924	Rearview Mirror Systems: Heavy Vehicles	2127-AA21
1925	Rearview Mirror Systems: Light Vehicles	2127-AA23
1926	Air-Brake Systems	2127-AA27
1927	Heavy Trailer Stability	2127-AB42
1928	Procedures for Considering Environmental Impacts	2127-AB79
1929	Voluntary Vehicle Identification Standard (Theft Prevention Standard)	2127-AB93
1930	Anthropomorphic Test Dummies Representing Children	2127-AB94
1931	Child Restraint Systems – Built-in Child Restraints	2127-AB97

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National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1932	Glazing Materials	2127-AB98

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1933	+ Post-1986 Passenger Car Fuel-Economy Standards	2127-AB75
1934	+ Petitions for Deviations from the Vehicle Theft Prevention Standard	2127-AB81
1935	+ Federal Motor Vehicle Safety Standards; Schoolbus Passenger Seating and Crash Protection	2127-AB84
1936	+ Occupant Crash Protection: Light-Truck Safety Belt Dynamic Testing	2127-AC01
1937	Controls and Displays	2127-AA06
1938	Steering Control Rearward Displacement	2127-AA32
1939	Motorcycle Helmets	2127-AA40
1940	Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
1941	Consumer Information--Stopping Distance	2127-AA50
1942	Rearview Mirrors	2127-AA88
1943	Hydraulic and Air Brake Systems	2127-AA92
1944	Seat Belt Assembly Anchorages	2127-AA95
1945	Air Brake Systems	2127-AB12
1946	Occupant Crash Protection	2127-AB71

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1947	+ Review: Child Seating Systems	2127-AA70
1948	+ 1989 Model Year Light-Truck Fuel-Economy Standards	2127-AC02
1949	+ Seating Systems: Seat-Back Release	2127-AB96
1950	+ Occupant Crash Protection: One-Car Credit	2127-AB99
1951	Lamps, Reflective Devices and Associated Equipment	2127-AB37
1952	Insurer Reporting Requirements (Theft Prevention Standard)	2127-AB82
1953	Lamps, Reflective Devices and Associated Equipment	2127-AC07
1954	Lamps, Reflective Devices and Associated Equipment	2127-AC08

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1955	+ Review of Radio Communication	2130-AA34
1956	Review: Regulatory Flexibility Act Reviews	2130-AA10
1957	Review of Locomotive Cab Safety	2130-AA32
1958	Review: Special Safety Inquiry; Power Brake Regulations	2130-AA40
1959	Safety Standards for Cabooses	2130-AA01
1960	Amendments to Regulations Implementing Section 905 of the 4R Act	2130-AA04
1961	Special Safety Inquiry; Rail-Highway Grade Crossing Safety	2130-AA27

+ Designates significant regulation.

DOT

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1962	+ Informal Safety Inquiry and Rulemaking; Control of Alcohol and Drug Use in Railroad Operations	2130-AA43
1963	Rules of Practice	2130-AA07

+ Designates significant regulation.

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1964	Railroad Accidents/Incidents: Reports Classification and Investigation	2130-AA42

Urban Mass Transportation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1965	+ Maintenance of Equipment and Facilities	2132-AA26

+ Designates significant regulation.

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1966	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01
1967	+ Major Capital Investment Projects	2132-AA22
1968	+ Extension of Safety Requirements to all Federally Assisted Buses	2132-AA24
1969	School Bus Operations	2132-AA09
1970	Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1971	+ Charter Bus Operations	2132-AA04
1972	+ Environmental Impact and Related Procedures	2132-AA03
1973	+ "Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15
1974	Innovative Techniques and Methods	2132-AA05
1975	Miscellaneous Amendments - Organization, Functions, and Procedures	2132-AA06
1976	Technology Introduction	2132-AA07
1977	Section 15 Reporting Requirements for Section 9 Apportionment Grants; Penalty Procedures for Noncompliance	2132-AA23

+ Designates significant regulation.

DOT

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1978	+ Private Enterprise Participation	2132-AA20

+ Designates significant regulation.

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1979	+ State Pipeline Safety Inspector Standards	2137-AB28
1980	+ Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
1981	+ Confidential Treatment: Aviation Economics - Related Material	2137-AB02
1982	+ Gas Gathering Line Definition	2137-AB15
1983	+ OST-FAA Information Rules: Standardized Regulatory Flexibility Requirements	2137-AB16
1984	+ Performance-Oriented Classification and Packaging Standards for Explosives and Blasting Agents	2137-AB25
1985	+ Training Program Guidelines	2137-AB26
1986	+ Proposals for Pipeline Safety	2137-AB27
1987	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
1988	Revision of Operating Procedures for Motor Vehicles	2137-AA07
1989	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
1990	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
1991	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
1992	Quality Assurance for Radioactive Materials Shippers	2137-AA30
1993	DOT Specification 51 Portable Tanks	2137-AA36
1994	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
1995	Revision of the IM Tank Table	2137-AA64
1996	Rewrite and Recodification of Section 173.34	2137-AA73
1997	Airline Revenue/Nonrevenue, First Class/Coach Passengers: Revised Definitions	2137-AB00
1998	Subsidized Commuter Carriers: Records and Retention Periods	2137-AB04

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1999	+ Performance-Oriented Packaging Standards	2137-AA01
2000	+ Collection of Service Segment Data and Charter Data from Foreign Air Carriers	2137-AA97
2001	+ Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2137-AA99
2002	+ Collection of Service Segment Data and Charter Data from U.S. Air Carriers	2137-AB01
2003	+ Confidentiality of Parts 241 and 298 Airline Reports	2137-AB05
2004	+ Recodification of Explosive Regulations	2137-AA93
2005	Review: Consolidation of Specifications for High-Pressure Seamless Cylinders	2137-AA92
2006	Definition of a Flammable Solid	2137-AA05
2007	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
2008	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
2009	Odorization of LP Gas	2137-AA25
2010	Confirmation or Revision of Maximum Allowable Operating Pressure Near Certain Occupied Buildings or Outside Areas	2137-AA62
2011	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
2012	Limitation Aboard Aircraft	2137-AA85
2013	Emergency Response Communication Standards	2137-AA88
2014	Bulk Packagings and Miscellaneous Rule Changes	2137-AA90
2015	Collection of Financial Information from the Commuter Air Carrier Industry	2137-AA98
2016	Hazardous Materials: Uranium Hexafluoride	2137-AB10
2017	Exception from Pressure Testing Non-Welded Tie-In Joints	2137-AB19
2018	Confirmation or Revision of Maximum Allowable Operating Pressure; Alternate Method	2137-AB20
2019	Transportation of Natural and Other Gas by Pipeline; Miscellaneous Amendments	2137-AB22
2020	Reporting Safety-Related Conditions	2137-AB23

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Research and Special Programs Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2021	Deletion of Standards Incorporated by Reference	2137-AB24

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2022	+ Review of the Form 41 Report of Financial and Operating Statistics for Large Certificated Air Carriers	2137-AA96
2023	+ Specification and Use Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (including Proj. 301-83 and Incorporates Docket HM 183)	2137-AA42
2024	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2025	Gas Pipeline Damage Prevention Program	2137-AA71
2026	Fire Protection and Security of Liquefied Natural Gas Facilities	2137-AB13

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2027	+ Review of Sample Size and Administration of the Airline Passenger Origin-Destination Survey	2137-AA95
2028	+ Hazardous Substances	2137-AA68
2029	+ Oversales	2137-AB17
2030	Interval for Review and Calculation of Relief Device Capacity	2137-AB12
2031	Exceptions for Nondestructive Testing of Welds in Transmission Line Repair	2137-AB14

+ Designates significant regulation.

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2032	+ Construction-Differential Subsidy Repayment	2133-AA61
2033	+ Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA57
2034	+ Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA62
2035	Review of All MARAD Program Regulations	2133-AA56
2036	Statistical Data for Use In Operating-Differential Subsidy (ODS) Application Hearings	2133-AA16

+ Designates significant regulation.

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2037	+ Approval of Marine Hull Underwriters	2133-AA50
2038	+ Cargo Preference - Implementation of P.L. 99-198	2133-AA55
2039	Review: War Risk Insurance	2133-AA54
2040	Rules of Practice and Procedures for Hearing in ODS Applications	2133-AA20
2041	Regulations Governing Public Buildings and Grounds at the U.S. Merchant Marine Academy	2133-AA60

+ Designates significant regulation.

DOT

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2042	+ Cargo Preference U.S.-Flag Vessels; Determination of Fair and Reasonable Rates for Liner Vessels	2133-AA02
2043	+ Cargo Preference, U.S.-Flag Vessels: Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2044	+ Notice of Intent to Redesignate Essential Trade Routes	2133-AA44
2045	+ Cargo Preference, U.S.-Flag Vessels: Evaluation of Bids for Subsidized Liner Vessels	2133-AA52
2046	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2047	Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements	2133-AA51
2048	Documentation, Transfer or Charter of Vessels; Amendment of Processing Procedures for Certain Applications	2133-AA59

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2049	+ Elimination of Restrictions on Non-Subsidized Voyages by Subsidized Liner Companies	2133-AA18
2050	+ Final Guidelines For Considering Early ODS Contract Terminations	2133-AA47
2051	+ Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Services; General Procedures for Determining ODS	2133-AA53
2052	Making Excess or Surplus Federal Property Available to the United States Merchant Marine Academy (USMMA), State Maritime Academies and Approved Nonprofit Maritime Training Institutions	2133-AA34
2053	Merchant Marine Training; Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA42

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

Office of the Secretary (OST)

1554. + REVIEW OF DEPARTMENT-WIDE DRUG REGULATIONS

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Department will review existing regulations to determine whether changes are necessary for each of the Modal Administrations' drug regulations. The Department seeks to address the use of drugs through its regulatory authority. The review will encompass each Modal Administration's program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Samuel E. Whitehorn, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, Regulations and Enforcement, 400 7th St., SW, Washington, DC 20590, 202 366-9307

RIN: 2105-AB24

1555. + CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368	07/25/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA98

1556. ● + ESCROW/BOND PROTECTION FOR AIRLINE TICKETS

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This petition, filed by Mr. Theodore Harris, addresses the problem of airline passengers whose airline goes bankrupt after they bought their ticket but before they use it. The petitioner asks that airlines be required to protect such "unearned revenue" by escrowing it or by posting a bond in an amount equal to 150% of average unearned revenue. Exemptions could be granted to airlines which file evidence of ticket insurance plans or which enter into agreements with other airlines to accept the tickets of bankrupt carriers.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 44304)	08/27/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AB26

1557. AIR CARRIER CARGO TARIFF PUBLICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Legal Deadline: None.

Abstract: This petition proposes to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Petitioners alleged that such a change would substantially reduce the cost and time burden of maintaining and continually updating voluminous files of current and past tariffs at each location.

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: Petition under consideration.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105-AA31

1558. OVERSEAS MILITARY PERSONNEL AIR-CHARTER TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Legal Deadline: None.

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer-protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA67

1559. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA70

1560. CARGO RATE CHANGES ON 30 DAYS' NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Legal Deadline: None.

Abstract: This rule would amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff-filing requirements. Standardization of the regulatory tariff-filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105-AA99

1561. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6 and 297.30; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G

Legal Deadline: None.

Abstract: The Civil Aeronautics Board was an independent agency; its rules

have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such as those that impose an unnecessarily high cost or those with paperwork burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Nonregulatory approaches, including the supplying of information by the Government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed. This review is a priority because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	

Next Action Undetermined

Small Entity: Yes

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

Agency Contact: Timothy J. Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Room 10405, Washington, DC 20590, 202 366-2220

RIN: 2105-AB03

1562. ● PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None.

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 43147)	05/22/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AB25

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

1563. + ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: DOT will examine whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and telecommunications technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the Government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data. In order to assure that users' needs are taken into consideration and that the private sector is involved to the maximum extent in the design, implementation, and operation of such a system, the Department established an Advisory Committee to make continuing recommendations on technical, operational, and policy objectives of the electronic tariff system.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period End	11/18/85	
Federal Register Notice establishing Advisory Committee	11/24/86	51 FR 42327

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Thomas Moore, Chief, Tariffs Division, 400 Seventh Street, SW, Washington, DC 20590, (202) 366-2414.

Agency Contact: Desta McDowell, MIS Specialist, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105-AB00

1564. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Agency Priority

Legal Authority: 29 USC 794; Section 404(a) of the Federal Aviation Act of 1958, as amended.

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: None.

Abstract: The Civil Aeronautics Board (CAB) has a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. The Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans of America held

that Section 504 of the Rehabilitation Act of 1973 does not apply to nonsubsidized air carriers. This decision left the existing regulation intact. The Air Carrier Access Act of 1986 directed DOT to publish new regulations prohibiting disability-based discrimination in air travel. The Department will use comments received in response to its August 1986 information notice on issues reflecting blind passengers as part of the record for this rulemaking. The Department is proposing to use regulatory negotiation to draft proposed and final rules on this subject.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: The Department published a notice February 23, 1987, proposing to establish an advisory committee for the purpose of regulatory negotiation (52 FR 5467).

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA18

1565. + COMMERCIAL SPACE TRANSPORTATION: THIRD-PARTY LIABILITY INSURANCE FOR COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Agency Priority

Legal Authority: PL 98-575, Sec 16 Commercial Space Launch Act

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Persons authorized to conduct commercial launch activities by a license issued by DOT are statutorily required to have in effect at least that amount of third-party liability insurance prescribed by DOT for the licensed activity. The rulemaking addresses alternate approaches to setting the appropriate amount of third-party liability insurance licensees must carry. The Department has determined that because of the climate of uncertainty currently affecting the space launch and space insurance industries, further action on the rulemaking is not appropriate at this time. Such insurance determinations as the Department is required or requested to make in this area will be handled on a case-by-case basis.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280

Next Action Undetermined

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105-AA26

1566. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None.

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken.

Timetable:

Action	Date	FR Cite
NPRM (EDR-439/SPDR-86, Docket 40336)	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
Reply Comment Period End	05/10/82	
NPRM	04/12/83	48 FR 15639
NPRM (EDR-456/SPDR-88, Docket 40336)	04/12/83	48 FR 15639
NPRM Comment Period End	06/13/83	
Reply Comment Period End	06/28/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA41

1567. + SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Legal Deadline: None.

Abstract: This rule would inform passengers of their right to a seat in a nonsmoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing.

Timetable:

Action	Date	FR Cite
NPRM (EDR-449, Docket 41009)	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA72

1568. + CERTIFICATION OF SPEED-LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 118; 23 USC 315

CFR Citation: 23 CFR 659; 49 CFR 1.50; 49 CFR 1.48

Legal Deadline: None.

Abstract: The Department will review the existing 55 MPH procedural regulations to determine if they can be made more efficient and to update the regulation where necessary. Provisions addressing the effect of future compliance (for a State found not to be in compliance in a given fiscal year) on the reinstatement of funds withheld will also be reviewed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: State

Agency Contact: Sam Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9307

RIN: 2105-AB22

1569. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION--STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Significance: Nonsignificant

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(a)

Legal Deadline: None.

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review.

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4754

RIN: 2105-AA06

1570. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None.

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset." A CAB NPRM that was being developed on this subject will be subsumed in this project. A draft NPRM is now being reviewed by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	

Small Entity: Undetermined

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA29

1571. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-448, Docket 41034)	10/27/82	47 FR 47599
Next Action Undetermined		

Small Entity: No

Agency Contact: Thomas Moore, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105-AA39

1572. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Department of Transportation, Office of

the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA73

1573. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; ...

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None.

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM (EDR-468/PSDR-81, Docket 41683)	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
Reply Comment Period	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601.

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA78

1574. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM (EDR-477, Docket 41690)	12/18/84	49 FR 4911
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Timothy Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA84

1575. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None.

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM (EDR-474, Docket 41971)	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA88

1576. UPDATE THE DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATIONS TO IMPLEMENT THE COMPETITION IN CONTRACTING ACT AS SET FORTH IN THE FEDERAL ACQUISITION REGULATIONS—PROPOSED RULES

Significance: Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59; PL 98-369, Title VII

CFR Citation: 48 CFR 1201, (Revision)

Legal Deadline: None.

Abstract: The Competition in Contracting Act (CICA) P.L. 98-369, effective April 1, 1985, makes major changes in the structure and control of the Federal acquisition process. These changes have been effected by the Federal Acquisition Regulation (FAR). The intent of the update of the Department's acquisition regulation is to implement the FAR coverage of CICA where required, and make other changes necessary to implement FAR changes through Federal Acquisition Circular #14.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: Yes

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, Room 9100, 400

Seventh Street, SW, Washington, DC 20590, 202 366-4271

RIN: 2105–AB15

1577. WARRANTY REGULATIONS FOR MAJOR SYSTEM ACQUISITIONS OF THE UNITED STATES COAST GUARD - PROPOSED RULE

Significance: Nonsignificant

Legal Authority: PL 98-473

CFR Citation: 48 CFR 1246

Legal Deadline: None.

Abstract: This rulemaking would establish the regulations for Coast Guard warranties that shall be included in all contracts with prime contractors for major system acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: Undetermined

Agency Contact: Roger Martino, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4271

RIN: 2105–AB16

1578. NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1381; 49 USC 204(a); 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 215, (Revision)

Legal Deadline: None.

Abstract: The Department must now routinely decide issues of name similarity whenever an airline wishes to use a different name for its operations or a new applicant wishes to use a name for its proposed operations. The issue arises even where there is no evidence that use of a certain name will cause or has caused confusion with an existing name. The current rule is duplicative of other statutes. The issue can be decided privately without routine, active government intervention, or can be handled on a case-by-case basis. The proposed rule would 1) delete specific criteria for decisions on name cases, 2) emphasize ad hoc enforcement, and 3) change the rule to make it a form of registration. Removal of routine intervention would reduce delay in applications for name changes. It would not result in less protection for travelers when there is a real need for action.

Timetable:

Action	Date	FR Cite
NPRM	02/25/87	52 FR 5547
NPRM Comment Period End	04/27/87	52 FR 5547

Small Entity: Undetermined

Agency Contact: Joseph Brooks, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9349

RIN: 2105–AB18

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Final Rule Stage

1579. + COMMERCIAL SPACE TRANSPORTATION: LICENSING REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 98-575

CFR Citation: 14 CFR 400 to 415

Legal Deadline: None.

Abstract: The rulemaking addresses the general organization and procedures of the Office of Commercial Space Transportation and the review procedures and information requirements pertaining to launch license applications. The final regulations will identify the general factors the government will consider, in the absence of published technical standards, in the course of determining whether to grant a launch license request. The process identified in the final regulations will set out in greater detail the two-part process initially described in the Department's Notice of Policy published in the Federal Register on February 25, 1985. That process consists of a Mission Review, focusing on national security and foreign policy issues, and a launch Safety Review, focusing on public safety issues. The final regulations will contain revisions that will respond to comments received by the Department on the interim regulations published February 26, 1986. These regulations are significant because they involve issues of substantial interest to the public and important DOT policies.

Timetable:

Action	Date	FR Cite
Notice of Policy and Request for Comments	02/25/85	
Comment Period on Notice 02/25/85 to	04/26/85	
Interim Final Rule	02/26/86	51 FR 6870
Comment on Interim Final Rule 02/26/86 to	04/28/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105–AA25

1580. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f)

CFR Citation: 49 CFR 23

Legal Deadline: None.

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider revisions of the existing rule. The aim

of the revisions would be to reduce regulatory burdens associated with the present rule and clarify the administration of some provisions about which questions have been raised. On the basis of this review, the Department intends to publish, from time to time, proposed rules to improve various aspects of the way the program is administered. This review is to improve the administration of the existing program, and it is not intended to affect the major policy provisions of the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM make interim amend to final rule, pend. revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457

Next Action Undetermined

Small Entity: Yes

Additional Information: Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule published March 12, 1981 (46 FR 16282). Final rule for interim amendment published April 27, 1981 (46 FR 16202). Further action to revise existing rule under consideration.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA04

1581. + PUBLIC AVAILABILITY OF INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 49 CFR 7

Legal Deadline: Statutory. The Freedom of Information Act of 1986, Pub. L. 99-570, Title I, Subtitle Q, requires agencies to promulgate regulations implementing the Act's fee schedule, fee waiver and law enforcement provisions within 180 days after the date of enactment.

Abstract: This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be addressed include fees to be charged for search and reproduction costs and the establishment of more precise criteria to enable the Department to determine when a waiver of fees is in the public interest. It would also address records relating to those functions of the Civil Aeronautics Board that were transferred to the Department. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs.

Timetable:

Action	Date	FR Cite
NPRM	11/12/85	50 FR 42049
NPRM Comment Period End	12/16/85	
SNPRM/Interim Final Rule	01/16/87	52 FR 1992
Comment Period Ends	02/17/87	
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Additional Information: Further, the timeframe for a supplemental NPRM addressing PUB. L. 99-570 (fee schedule, fee waiver and law enforcement provisions) is in accordance with statutory requirements and cognizant of soon to be published OMB guidelines.

Agency Contact: Rebecca H. Lima, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4542

RIN: 2105-AA05

1582. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (COMMUTER RAIL PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27, Subpart E

Legal Deadline: None.

Abstract: This notice asks comment on several alternatives for providing accessible commuter rail service, or a substitute for it, to disabled persons. The notice also requests information on the likely ridership and cost effects of the alternative approaches suggested in the notice. Comments have been received and are being reviewed. Studies have been received or are expected to be received in the near future. Final actions being considered include a number of alternatives spelled out in the notice, including various regulatory steps and taking no further regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 19032
NPRM Comment Period End	09/22/86	
Final Action	06/15/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AB23

1583. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None.

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation ,1/19/81

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4754

RIN: 2105-AA02

1584. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None.

Abstract: As part of the NPRM that proposed its minority business program rule (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program. The Department intends to withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
Withdraw Proposed Rule	05/00/87	

Small Entity: No

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Analysis: Regulatory Evaluation 05/17/79

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA03

1585. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Legal Deadline: None.

Abstract: Title V of Pub. L. 95-134 permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. This proposal is being withdrawn because of problems concerning legal requirements with changing grant conditions.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765
To be withdrawn	10/00/87	

Small Entity: No

Agency Contact: Jack Bennett, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9669

RIN: 2105-AA08

1586. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Legal Deadline: None.

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
Final Action	12/00/87	

Small Entity: No

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5992

RIN: 2105-AA09

1587. MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS); COUNTING CREDIT FOR SUPPLIERS AND OTHER SERVICE PROVIDERS

Significance: Nonsignificant

Legal Authority: 42 USC 2000d; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f), Surface Transp. Assist. Act of 1982

CFR Citation: 49 CFR 27.47(e)(f)

Legal Deadline: None.

Abstract: The current DOT MBE rule provides that recipients and contractors may receive a maximum of 20 percent credit for the cost of goods purchased from MBE suppliers who do not manufacture the goods. The Department is considering regulatory changes to correct unintended anomalies that may have resulted from this approach. The Department published an NPRM on this rule October 3, 1985, and is now determining what, if any, action to take as a result of the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40422
Final Action	05/01/87	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA20

1588. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None.

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the

comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM (EDR-405, Docket 37169)	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA40

1589. ZONES FOR AIRLINE MAIL RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Legal Deadline: None.

Abstract: This proposed rule would end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by DOT, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. The rule is now moot with regard to domestic mail rates except in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	09/07/79	44 FR 52246
NPRM (EDR-387/PDR-68, Docket 36497)	09/07/79	44 FR 52246
NPRM Supplemental (EDR-387C/PDR-68C)	12/18/80	45 FR 83510
Comment Period End	02/17/81	
NPRM Supplemental	12/15/85	
Final Action	06/30/87	

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105-AA44

1590. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None.

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-74, Docket 36639)	09/26/79	44 FR 55383
Final Action adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA45

1591. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9953
Interim Final Rule (PS-83, Docket 34684)	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	
Final Action	03/31/88	

Small Entity: Yes

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105-AA46

1592. INSURANCE FOR ON-DEMAND AIR-TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None.

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-395, Docket 37531)	02/04/80	45 FR 7566
NPRM (EDR-395B, Docket 37531)	10/27/81	46 FR 52585

Action	Date	FR Cite
NPRM Comment Period End	12/28/81	
Reply Comment Period End	01/18/82	
NPRM (EDR-395C, Docket 37531)	03/10/83	48 FR 10073
Comment Period End	05/17/83	
Final Action	04/30/88	

Small Entity: Yes

Agency Contact: John Hokanson, Chief, Air Carrier Subsidy, Need Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1035

RIN: 2105-AA47

1593. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR-CARRIER AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Legal Deadline: None.

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. This rule would have reversed that policy in order to ensure equal competitive opportunities for U.S. carriers.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	08/02/83	
To be withdrawn (SPDR-89 and SPDR-89A, Docket 41497)	06/00/87	

Small Entity: No

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10105, Washington, DC 20590, 202 366-2388

RIN: 2105-AA68

1594. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None.

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM (PDR-87, Docket 41855)	12/21/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9154

RIN: 2105-AA77

1595. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None.

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements. The Department is evaluating comments received.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM (PDR-88/ODR-27/PSDR-83)	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
Final Action	06/01/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Nancy Trowbridge, (202) 366-2406.

Agency Contact: Gwyneth Radloff, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105-AA82

1596. EXEMPTION FROM PRIOR-APPROVAL REQUIREMENTS FOR CERTAIN TRANSACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1303; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1388; 49 USC 1551

CFR Citation: 14 CFR 303

Legal Deadline: None.

Abstract: The Department is reviewing current aviation-merger procedural regulations to reduce regulatory obstacles to air carrier acquisitions of other air carriers.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 17490
NPRM Comment Period End	06/12/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: George Baranko, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5621

RIN: 2105-AB20

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Completed Actions

1597. + 14 CFR PARTS 204 AND 291, LIMITATION ON FITNESS DETERMINATION: REVOCATION OF OPERATING AUTHORITY

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1386; 49 USC 1388; 49 USC 1389

CFR Citation: 14 CFR 204; 14 CFR 291

Legal Deadline: None.

Abstract: The rule as finalized will automatically revoke the authority of carriers who do not begin operations within one year of being found fit or who, having begun and then ceased operations, remain dormant for any subsequent one-year period. The rule replaces the existing continuing-fitness regulation, which called for new fitness determinations only after a two-year period of dormancy--and even then, only if a dormant carrier actually intended to start operations. The new rule, by reducing the number of dormant certificated carriers, should greatly enhance our ability to monitor carriers under the continuing-fitness function. The costs should be negligible because, under the Department's streamlined certification procedures, carriers needing to reapply for certificate authority by virtue of the rule would face filing requirements and procedures closely comparable to those that already exist under the Department's current continuing-fitness regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19071
NPRM Comment Period End	06/26/86	
Final Action	10/31/86	51 FR 40410
Final Action Effective	12/08/86	51 FR 40410

Small Entity: No

Agency Contact: Patricia T. Szrom, Chief, Special Authorities Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 6402, Washington, DC 20590, 202 366-9721

RIN: 2105-AB19

1598. CERTIFICATE DURATION IN LIMITED-ENTRY MARKETS. NOTICE REQUIREMENTS FOR CARRIERS LEAVING LIMITED-ENTRY MARKETS DURING A SELECTION CASE. PROCEDURES AND CRITERIA FOR SELECTING CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1371

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: This action establishes criteria upon which carriers will be selected to serve those markets where the number of US-flag carriers is restricted under current bilateral arrangements. The rule establishes that all certificate authority in limited-designation markets will be awarded on an experimental basis, for five-year terms. This rulemaking is significant because it considered alternatives that could establish new policy and legal precedent in the selection of carriers for limited designation markets and the duration of the authority which these carriers are awarded. The rule also establishes a requirement that carriers operating under pendente lite exemptions provide 90 days notice prior to withdrawing from a market.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/82	47 FR 32442
Extension of ANPRM Comment Period	09/24/82	47 FR 42122
ANPRM Comment Period End	09/27/82	
Extended ANPRM Comment Period End	11/29/82	
NPRM	09/23/85	50 FR 38539
NPRM Comment Period End	11/07/85	50 FR 38539
Final Action	12/01/86	51 FR 43180
Final Action Effective	12/01/86	

Small Entity: No

Agency Contact: Vance Fort, Deputy Asst. Secretary, Department of Transportation, Office of the Secretary, Policy and International Affairs, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4551

RIN: 2105-AA49

1599. NONDISCRIMINATION IN FEDERALLY-ASSISTED AVIATION ECONOMICS-RELATED PROGRAMS OF DOT

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-1

CFR Citation: 14 CFR 379

Legal Deadline: None.

Abstract: The CAB reviewed its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. An NPRM was approved by the Board on June 15, 1982, and was forwarded to the Justice Department for review in accordance with Executive Order 12250. This regulation and its relationship to the DOT Title VI regulation (49 CFR Part 21) were reviewed, and it has been determined that no further regulatory action is needed. Action is terminated.

Timetable:

Action	Date	FR Cite
NPRM approved by Board	06/15/82	
Action terminated	02/17/87	

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA66

1600. JOINT TARIFF FILING BY FOREIGN AIRFREIGHT FORWARDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 296; 14 CFR 221

Legal Deadline: None.

Abstract: This rule would have permitted indirect cargo air carriers to participate in joint tariffs filed by direct air carriers and direct foreign air carriers for the foreign air transportation of cargo. The rule would have required that advance notice be given to the shipper that the shipment would be interlined, and that the shipment was not otherwise consolidated for rating purposes. The rule would simply have codified an existing exemption order, CAB Order 82-12-24, 99 CAB 673. Action was terminated because subsequent

experience has shown no need for the codification.

Timetable:

Action	Date	FR Cite
Terminated	01/05/87	

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105-AA69

1601. ESSENTIAL AIR SERVICE SUBSIDY FOR THE FREELY ASSOCIATED STATES

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1502; S.J. Res. 286 Compact of Free Association; H. Doc. 98-192 Compact of Free Association

CFR Citation: 14 CFR 211; 14 CFR 272, (Proposed); 14 CFR 302

Legal Deadline: None.

Abstract: The Compact of Free Association between the U.S. and the governments of certain territories in the Trust Territory of the Pacific Islands was adopted by the U.S. Congress, and entered into effect for the Federated States of Micronesia and the Marshall Islands on November 3, 1986. The Compact of Free Association and related Article IX of the Federal Programs and Services Agreement makes provision for payment of subsidy, if necessary, to maintain essential air transportation to the Federated States of Micronesia and the Marshall Islands and Palau when the Compact becomes effective for Palau. The Compact and Agreement also permit the Department under certain conditions to pay subsidy to Freely Associated States air carriers and to authorize these carriers to carry local air traffic between Guam, the Commonwealth of the Northern Mariana Islands, and Honolulu, Hawaii. This rule establishes the requirements and procedures for implementing these provisions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-478/PDR-89, Docket 42721)	01/02/85	50 FR 95
NPRM Comment Period End	04/04/85	
Reply to Comments due	04/25/85	
Final Action	02/23/87	52 FR 5440
Final Action Effective	02/23/87	

Small Entity: No

Agency Contact: Peter Schwarzkopf, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5621

RIN: 2105-AA86

1602. EMPLOYMENT DISCRIMINATION AGAINST HANDICAPPED PERSONS BY AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 29 USC 794; 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1376; 49 USC 1377; 49 USC 1386; 49 USC 1389; EO 12250 45 FR 72995

CFR Citation: 14 CFR 382

Legal Deadline: None.

Abstract: The CAB was considering new rules prohibiting unlawful discrimination against otherwise qualified handicapped persons who are employed by, or are seeking employment from, airlines. This proposed rule is under the authority of the Rehabilitation Act of 1973, and therefore would apply to carriers receiving a subsidy from the Federal Government. Since employment practices of recipients of DOT financial assistance, including air carriers, are covered by the Department's existing Section 504 rule (49 CFR Part 27), no additional rulemaking action is necessary and this rulemaking is terminated.

Timetable:

Action	Date	FR Cite
Action terminated	02/17/87	

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA92

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Prerule Stage

1603. + CALIFORNIA OFFSHORE ROUTING SYSTEM (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None.

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). Coordination with the Minerals Management Service will be necessary to implement rulemaking.

Analysis: Regulatory Impact Analysis

Agency Contact: LTJG D. Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0364

RIN: 2115-AB29

1604. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701

DOT—USCG

Prerule Stage

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100; 46 CFR 159

Legal Deadline: None.

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to the extent practicable. This rulemaking is significant because it will set precedent for a whole range of anticipated Coast Guard initiatives and is likely to be of substantial interest to the public.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Additional Information: Further action must await enabling legislation.

Agency Contact: Mr. J. Kursban, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2420

RIN: 2115-AB73

1605. ● + REGULATIONS FOR SELF-ELEVATING OFFSHORE SERVICE AND SUPPORT VESSELS (CGD 86-074)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 3301

CFR Citation: 46 CFR 125 to 136; 46 CFR 170; 46 CFR 173; 46 CFR 174

Legal Deadline: None.

Abstract: The Coast Guard is proposing regulations that will establish safety standards for self-elevating offshore service vessels commonly known as liftboats. The high rate of casualties which have been experienced by these vessels has emphasized the need for specific regulations addressing the hazards inherent in their operations. These vessels support the offshore mineral and energy industry by performing a multitude of services such as dive support, painting, sandblasting and well servicing, among others. In performing these services, these vessels fall within the statutory definition of Offshore Supply Vessels (OSV) and are therefore subject to inspection as OSVs. The Coast Guard will consider using existing standards wherever possible, particularly those that have and are being applied to conventional OSVs. However, because of the unique design and operating characteristics exhibited by these liftboats, many of the current regulations used to inspect and certificate conventional OSVs are inadequate to ensure the safe operation of these vessels. The Coast Guard believes that development and enforcement of standards specifically addressing these (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	

Small Entity: Undetermined

Additional Information: unique hull forms and operating characteristics will significantly improve their safety record. These rules are not expected to impose substantial costs on industry. On February 14, 1983, the Coast Guard published an ANPRM concerning new construction of Offshore Supply Vessels (OSVs)(48 FR 6636). The information in the ANPRM presents the Coast Guard's overall approach with respect to developing comprehensive standards for conventional offshore supply vessels as contrasted with liftboats and other nonconventional OSVs. On March 7, 1985, the Coast Guard published an ANPRM on Revision of the Regulations on Outer Continental Shelf Activities (50 FR 9290). That ANPRM (CGD 84-098) solicited specific comments regarding appropriate standards that should be applied to the various types of vessels used for OCS activities. Some comments were received that addressed liftboats. These comments will be considered with the comments received in response to this rulemaking effort.

Agency Contact: CDR G. R. Speight, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115-AC63

1606. CASUALTY REPORTING REQUIREMENTS FOR RECREATIONAL BOATS (82-015)

Significance: Nonsignificant

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None.

Abstract: Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents, by raising the threshold for requiring an accident report from $200 to $500.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-015.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AA82

1607. REVOCATION OF MILITARY EXPLOSIVES REGULATIONS (83-006)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808; 46 USC 170

CFR Citation: 46 CFR 146

Legal Deadline: None.

Abstract: Would revoke 46 CFR concurrently with the Research and Special Programs Administration's rulemaking and revise other sections in Title 46 accordingly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The NPRM for Docket 83-006 is to be published concurrently with the Research and Special Programs Administration (RSPA) undocketed project, RIN 2137-AA10.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1577

RIN: 2115-AB33

1608. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164

Legal Deadline: None.

DOT—USCG **Prerule Stage**

Abstract: Requests comments on the International Maritime Organization resolution to require ARPA training for all masters, chief mates, and officers in charge of a navigational watch. Regulatory action may follow depending on public comments.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 53316
ANPRM Comment Period End	12/23/85	

Next Action Undetermined

Small Entity: No

Agency Contact: LCDR Jenkins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115-AB99

1609. INSPECTED FISH PROCESSING AND FISH TENDER VESSELS (86-026)

Significance: Nonsignificant

Legal Authority: 46 USC Subtitle II; PL 98-364

CFR Citation: 46 CFR 105

Legal Deadline: None.

Abstract: This rulemaking project will implement the provision of the Commercial Fishing Industry Vessel Act which requires development of regulations reflecting the specialized nature and economics of fish processing and fish tender vessel operations.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/87	

Small Entity: Undetermined

Agency Contact: LCDR W. J. Morani, Jr., Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1056

RIN: 2115-AC27

1610. UNINSPECTED FISH-PROCESSING VESSELS (86-025)

Significance: Nonsignificant

Legal Authority: 46 USC 4502 (a)

CFR Citation: 46 CFR 27

Legal Deadline: None.

Abstract: This rulemaking project would implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations for uninspected fish processing vessels that enter into service after December 31, 1987 and carry more than 16 persons who are primarily employed in the preparation of fish products.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: LCDR W. J. Morani, Jr., Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1056

RIN: 2115-AC34

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

U.S. Coast Guard (USCG)

1611. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146

Legal Deadline: None.

Abstract: Would modify 33 CFR Subchapter N by extending coverage of workplace safety rules, by modernizing material standards for fixed platforms, and by specifying training requirements.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	05/00/88	

Small Entity: No

Additional Information: CGD 84-098(a) Self-inspection of Fixed OCS Facilities separated from CGD 84-098. CGD 84-098(b) Offshore Evacuation Procedures separated from CGD 84-098.

Analysis: Regulatory Evaluation 05/00/88

Agency Contact: LCDR Cross, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2307

RIN: 2115-AB74

1612. + OPERATING A VESSEL WHILE INTOXICATED: COMMERCIAL VESSELS (84-099)

Significance: Regulatory Program

Legal Authority: 46 USC 61C1; 46 USC 7701

CFR Citation: 33 CFR 95; 33 CFR 146; 33 CFR 150; 33 CFR 173; 33 CFR 177; 46 CFR 26; 46 CFR 4; 46 CFR 5; 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 109; 46 CFR 167; 46 CFR 185; 46 CFR 196 to 197

Legal Deadline: None.

Abstract: Proposes (1) to prohibit crewmembers on vessels subject to inspection from performing any duties while intoxicated or within four hours of consuming alcohol, (2) civil penalties for owners, charterers, managing operators, agents, masters or individuals in charge of vessels subject to inspection that allow crewmembers to perform any duties while intoxicated, and (3) to allow personnel licensed, documented or certificated by the Coast Guard to seek rehabilitation prior to being subject to a proceeding to suspend or revoke the license, certificate or document (4) to allow Coast Guard personnel to terminate the use of certain vessels when the operator is under the influence of an intoxicant to the extent that further operation of the vessel creates an unsafe condition (5) to amend the regulations requiring reports of all marine casualties to include specific information on the role of alcohol or drugs in the casualty.

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Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 18902
NPRM Comment Period End	08/21/86	
SNPRM Ext.Comment Period 2/9/87 (52 FR 4116) to	05/11/87	

Small Entity: No

Analysis: Regulatory Evaluation 05/23/86 (51 FR 18902)

Agency Contact: LCDR Wallace / Mr. S. Connaughton, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0214

RIN: 2115-AC23

1613. + OPERATING A VESSEL WHILE INTOXICATED: RECREATIONAL VESSELS (84-099A)

Significance: Regulatory Program

Legal Authority: 46 USC 2302; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701; 46 USC 8105; 49 USC 1.46(b)

CFR Citation: 33 CFR 95

Legal Deadline: None.

Abstract: Solicits public assessment of the appropriateness of a Federal standard for determining whether an individual is operating a recreational vessel while intoxicated.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/86	51 FR 18900
ANPRM Comment Period End	08/21/86	
NPRM	02/09/87	52 FR 4116
NPRM Comment Period End	05/11/87	

Small Entity: No

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AC24

1614. ● + MANDATORY ALCOHOL AND DRUG TESTING FOLLOWING SERIOUS MARINE INCIDENTS INVOLVING COMMERCIAL VESSELS (CGD 86-080)

Significance: Regulatory Program

Legal Authority: 33 USC 1231; 43 USC 1331; 46 USC 6101; 46 USC 6103

CFR Citation: 46 CFR 4; 46 CFR 16

Legal Deadline: None.

Abstract: This notice proposes regulations which would: 1) require the owner, charterer, managing operator, agent, master, or person in charge of a commercial vessel (designated the "marine employer") to obtain blood, urine, and breath samples as appropriate from persons directly involved in certain serious marine incidents, within prescribed time limits; 2) define the serious marine incident criteria for which this requirement would be applicable; 3) require the marine employer to ship blood and urine samples to a laboratory designated by the Coast Guard for appropriate chemical analysis; and, 4) establish procedures regarding accountability for and processing of blood and urine samples from the time of sampling to the time of receipt of samples at the laboratory. The Coast Guard believes that these proposed regulations are necessary to better identify the extent of alcohol and drug involvement as primary or contributing causes of serious incidents, i.e., those which result in death, injury or significant property or environmental damage; to emphasize the seriousness with which the Federal Government views the problems of alcohol and drug use and abuse in the marine (cont.)

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	
NPRM Comment Period End	09/01/87	

Small Entity: No

Additional Information: ABSTRACT CONT: transportation field; to establish a stronger and more effective deterrent to alcohol and drug use aboard or in connection with commercial vessels; and to provide more reliable information upon which to base enforcement actions.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: LCDR David F. Wallace, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2215

RIN: 2115-AC62

1615. + QUALIFICATIONS OF THE PERSON IN CHARGE OF OIL TRANSFER OPERATIONS: TANKERMAN REQUIREMENTS (79-116)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Legal Deadline: None.

Abstract: Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because of passage of the Port and Tanker Safety Act of 1978 and the fact that the International Convention on the Standards for Training, Certification and Watchkeeping for Seafarers of 1978 entered into force on April 28, 1984. This rulemaking is necessary because most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
Begin Public Hearings	01/00/81	
End Public Hearings	02/00/81	

Next Action Undetermined

Small Entity: Yes

Additional Information: Dockets No. CGD 79-116 and 79-116a (45 FR 83290 and 45 FR 83268). Environmental Analysis and Inflationary Impact Statement completed February 1977. Extensive comments were received on the April 25, 1977 NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980.

Agency Contact: Mr. C. Heizer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0226

RIN: 2115-AA03

1616. + VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATIONS ON THE GREAT LAKES (84-040)

Significance: Agency Priority

Legal Authority: 33 USC 1201; 33 USC 1202; 33 USC 1203; 33 USC 1204; 33 USC 1205; 33 USC 1206; 33 USC 1207; 33 USC 1208

CFR Citation: 33 CFR 26

Legal Deadline: None.

Abstract: Recreational boat use of Channel 16, a distress and safety frequency on the Great Lakes, has become so great that commercial vessels have been having difficulty communicating navigational information. The Coast Guard is considering making modifications to the existing radiotelephone requirements. Draft changes have been exchanged between the Canadian and U.S. Coast Guards to change the technical regulations of the Great Lakes Radio agreement. Review and re-exchange of drafts currently being considered. Both governments agree on channel 13. Sequential monitoring will not be accepted by either government as filling the requirements of a "continuous watch." Which size and type of vessels that will be required to monitor channel 13 needs to be clarified.

Timetable:

Action	Date	FR Cite
Request for comments	07/06/84	49 FR 27786
NPRM	09/15/87	

Small Entity: No

Additional Information: Project Active. Draft changes to agreement being considered by both governments, after which diplomatic notes will be exchanged.

Agency Contact: LTJG Zacharias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0362

RIN: 2115-AB89

1617. ● + DRUG DETECTION FOR MERCHANT MARINE PERSONNEL (CGD 86-067)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 7101; 46 USC 7301; 46 USC 7701; 49 CFR 1.46

CFR Citation: 46 CFR 5; 46 CFR 16

Legal Deadline: None.

Abstract: The purpose of this proposal is to eliminate safety risks posed by the use of dangerous drugs by merchant marine personnel. The option being considered is a requirement that individuals applying for licenses, certificates of registry, and merchant mariners' documents provide the results of drug tests before issuance or renewal. The proposal will also address random drug-testing programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. S. T. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0214

RIN: 2115-AC45

1618. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None.

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 74-284.

Analysis: Regulatory Evaluation 04/19/82 (47 FR 16648)

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA08

1619. HOPPER DREDGE WORKING FREEBOARD - LOAD LINE AND STABILITY REQUIREMENTS (76-080)

Significance: Nonsignificant

Legal Authority: 46 USC App 86; 46 USC App 88; 46 USC 367; 49 CFR 1.46

CFR Citation: 46 CFR 42; 46 CFR 44; 46 CFR 45; 46 CFR 174

Legal Deadline: None.

Abstract: Would permit self-propelled hopper dredge to load to a deeper draft (working freeboard). Only dredges desiring working freeboard must comply. Requirements for load line and stability are promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/76	41 FR 32237
NPRM	12/10/79	44 FR 70791
SNPRM	01/24/80	45 FR 5780
SNPRM	07/00/87	

Small Entity: No

Additional Information: Comments received on NPRM were substantial and raised additional technical questions. More than three years passed since NPRM. Therefore, SNPRM is being prepared, and then a final rule will be issued.

Analysis: Draft Evaluation 07/00/87

Agency Contact: Mrs. June Keller, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115-AA11

1620. DEFECT NOTIFICATION AND FIRST-PURCHASER INFORMATION (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None.

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many

manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 77-115.

Analysis: Regulatory Evaluation 12/29/80 (45 FR 85475)

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0961

RIN: 2115-AA16

1621. MISCELLANEOUS CHANGES TO 46 CFR 56 (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 50; 46 CFR 56

Legal Deadline: None.

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extension	03/21/85	50 FR 11397
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 77-140.

Analysis: Regulatory Evaluation 01/09/85 (50 FR 1073)

Agency Contact: Mr. H. Hime, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA17

1622. CRANE OPERATOR QUALIFICATIONS AND STANDARDS FOR OFFSHORE CRANE DESIGN, INSPECTION, TESTING, AND OPERATION (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None.

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	02/14/86	51 FR 5547
NPRM Comment Period End	06/15/86	51 FR 21378
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 79-059.

Analysis: Regulatory Evaluation 02/14/86 (51 FR 5547)

Agency Contact: LDCR Stephen Johnson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0175

RIN: 2115-AA34

1623. INFLATABLE LIFERAFT STABILITY (80-113)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would provide specific rules for function, size, and placement of stability appendages.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1558
NPRM Comment Period End	04/11/85	
Extension of Comment Period	07/05/85	50 FR 37628
SNPRM	06/00/87	

Small Entity: No

Additional Information: Docket No. CGD 80-113. Comment period extended to 10/14/85.

Analysis: Regulatory Evaluation 01/11/85 (50 FR 1538)

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA50

1624. MANEUVERING PERFORMANCE REGULATIONS (80-136)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1

Legal Deadline: None.

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	06/00/87	

Small Entity: No

Additional Information: The Subcommittee on Ship Design and Equipment, IMO, completed action on this item in May 1986 and the results are being included in the NPRM.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. P. Cojeen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115-AA53

1625. SERVICING INFLATABLE LIFERAFTS (81-010)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine Inspectors being present.

Timetable:

Action	Date	FR Cite
ANPRM	08/14/86	51 FR 29117
Public Meeting	01/27/87	51 FR 45783
ANPRM Comment Period End	02/10/87	
NPRM	06/00/87	

Small Entity: No

Additional Information: Docket No. CGD 81-010.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: LT Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA57

1626. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None.

Abstract: Revokes an obsolete provision and makes several editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-023.

Analysis: Regulatory Evaluation 04/12/82 (47 FR 15606)

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AA58

1627. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Legal Deadline: None.

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements, and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	01/00/88	

Small Entity: No

Additional Information: Docket No. CGD 81-082.

Docket No. CGD 81-087.

Project being reevaluated.

Agency Contact: R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AA70

1628. OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Nonsignificant

Legal Authority: 46 USC 3301(3); 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136

Legal Deadline: None.

Abstract: Create new 46 CFR subchapter governing Offshore Supply Vessels.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
NPRM	06/00/87	

Small Entity: No

Additional Information: Docket No. CGD 82-004.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: LT. B. Russell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA77

1629. GENERAL REVISIONS OF POLLUTION-PREVENTION REGULATIONS FOR TANKERS (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None.

Abstract: Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Additional Information: This project is related to CGD 82-028, Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing. Any further action on this project must wait until the rulemaking process for CGD 82-028 is completed because any policy decisions that result will be applicable to this rulemaking.

Analysis: Regulatory Evaluation 12/01/87

Agency Contact: LT W. P. Cummins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1465

RIN: 2115-AA88

1630. HAND-HELD FLASHLIGHTS: INDEPENDENT INSPECTION AGENCIES (82-042)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None.

Abstract: Would remove two-cell flashlight requirements, and revise material and testing requirements in flashlight-approval specification.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Additional Information: The Coast Guard is working toward development of an industry consensus standard. The proposal will be terminated if this effort is successful.

Agency Contact: Mr. T. Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA91

1631. AIDS TO NAVIGATION ON OUTER CONTINENTAL SHELF (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None.

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: Docket No. 82-054.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: Mr. C. B. Mosher, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0350

RIN: 2115–AA92

1632. SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None.

Abstract: Would revise the standards for self-propelled vessels carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Docket No. 82-058.

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: Ms. K. Barylski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115–AA95

1633. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATIONAL TRAINING ACT OF 1980 (82-092)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 12959(e)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Legal Deadline: None.

Abstract: Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	

Small Entity: No

Additional Information: Docket No. CGD 82-092.

Analysis: Regulatory Evaluation 07/01/87

Agency Contact: CDR Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1055

RIN: 2115–AB21

1634. REASSESSMENT OF COAST GUARD FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I; 46 CFR Subchapter V

Legal Deadline: None.

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	08/00/87	

Small Entity: No

Additional Information: Docket No. CGD 83-026. Incorporates part of docket CGD 81-090.

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: Dr. A. Schneider, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2997

RIN: 2115–AB36

1635. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS – INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None.

Abstract: Would effect a general reassessment of Subchapter F and incorporation of international requirements of Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Docket No. CGD 83-043.

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: LT. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115–AB41

1636. HAZARDOUS MATERIALS USED AS SHIP'S STORES ONBOARD VESSELS (84-044)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 2; 46 CFR 31; 46 CFR 34; 46 CFR 58; 46 CFR 71; 46 CFR 76; 46 CFR 91; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 147; 46 CFR 167; 46 CFR 176; 46 CFR 181; 46 CFR 189; ...

Legal Deadline: None.

Abstract: Would reduce the burden on shippers and manufacturers by deleting the requirement for separate Coast Guard classification of Ship's Stores

and adopting the classification and identification provisions found in 49 CFR Subchapter C which are already required for the transportation of hazardous materials. It would also eliminate requirements for materials no longer in use and delete Table S.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/87

Agency Contact: Mr. C. Rivkin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AB65

1637. OIL-WATER INTERFACE DETECTORS (CGD 84-052)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 162

Legal Deadline: None.

Abstract: This project would propose a new specification for approval of oil-water interface detectors presently required by Annex 1 of MARPOL 73/78 (Marine Pollution Prevention).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Ms. L. Martinez, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1071

RIN: 2115-AB66

1638. LICENSING OF PILOTS-MANNING OF VESSELS (84-060)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 157; 46 CFR 10.07

Legal Deadline: None.

Abstract: This proposal would define "pilotage waters" and "coastwise seagoing vessel." In addition, it would require first class pilots to have experience on vessels of more that 40,000 gross tons in order to be authorized to pilot vessels of more than 50,000 gross tons; and allow a written test alternative to the chart sketch for a first-class pilot's license restricted to tug and barge only.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: This proposal has been split from a previously published NPRM identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04.

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0217

RIN: 2115-AB67

1639. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801

CFR Citation: 46 CFR 64

Legal Deadline: None.

Abstract: This proposal would discontinue the Coast Guard specifications for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1577

RIN: 2115-AB69

1640. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None.

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AB70

1641. LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 33 CFR 175; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None.

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	05/00/87	

Small Entity: No

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Analysis: Regulatory Evaluation 05/00/87

DOT—USCG

Proposed Rule Stage

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AB72

1642. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None.

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	07/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/88

Agency Contact: LCDR Dupree, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2307

RIN: 2115-AB88

1643. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None.

Abstract: This project would amend 46 CFR Part 153 to incorporate changes to the International Maritime Organization code for the construction and equipment of ships carrying dangerous chemicals in bulk.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AB92

1644. CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 2104; 46 USC 7301; 46 USC 7302; 46 USC 7303; 46 USC 7304; 46 USC 7305; 46 USC 7306; 46 USC 7307; 46 USC 7308; 46 USC 7309; 46 USC 7310

CFR Citation: 46 CFR 12

Legal Deadline: None.

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamen's documents and new ratings. An ANPRM was issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	
NPRM	09/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/87

Agency Contact: Mr. S. Connaughton, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0214

RIN: 2115-AC02

1645. INLAND WATERWAY NAVIGATION REGULATIONS; ALL WATERS TRIBUTARY TO THE GULF OF MEXICO (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None.

Abstract: Proposes to revise and update the inland waterways navigation regulations for the Gulf Intercoastal Waterway from St. Marks, Fla. to the Rio Grande River.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/87

Agency Contact: Mr. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0404

RIN: 2115-AC03

1646. DELEGATION OF AUTHORITY TO UNITED STATES CLASSIFICATION SOCIETIES (85-019)

Significance: Nonsignificant

Legal Authority: 46 USC 3316

CFR Citation: 46 CFR 2

Legal Deadline: None.

Abstract: The Coast Guard, under 46 U.S.C. 3316, delegates plan review and inspection to the American Bureau of Shipping. Other classification societies have requested similar acceptance. The proposed advance notice solicited information on what criteria should be used to determine who will be allowed to work on the Coast Guard's behalf.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/85	50 FR 40413
ANPRM Comment Period End	01/03/86	
NPRM	12/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/01/87

Agency Contact: CDR Tweedie, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1056

RIN: 2115-AC10

1647. FIRE DETECTION AND ALARM SYSTEMS (85-051)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None.

Abstract: This rulemaking would update the 30 year old Coast Guard specification for fire detection and alarm systems to use modern terminology and address modern systems. Consensus standards would be adopted by reference.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/30/86

Agency Contact: Mr. W. Boyce, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2997

RIN: 2115-AC13

1648. INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151

Legal Deadline: None.

Abstract: This rulemaking proposes revising inspection intervals for Pressure Vessel Cargo Tanks. An ANPRM was issued seeking public and industry views on the adequacy of present intervals and suggested intervals.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	06/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/01/87

Agency Contact: LT Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1464

RIN: 2115-AC18

1649. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None.

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Thomas Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AC20

1650. SUBCHAPTER "T" TITLE 46, GENERAL UPDATES AND REVISIONS (85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175; 46 CFR 176; 46 CFR 177; 46 CFR 178; 46 CFR 179; 46 CFR 180; 46 CFR 181; 46 CFR 182; 46 CFR 183; 46 CFR 184; 46 CFR 185; 46 CFR 186; 46 CFR 187

Legal Deadline: None.

Abstract: This rulemaking would revise Subchapter "T" to reflect recent statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals and drydocking intervals.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 10/01/87

Agency Contact: LT. W.P. Cummins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1464

RIN: 2115-AC22

1651. 46 CFR SUBCHAPTER 1. EDITORIAL REVISIONS AND CORRECTIONS (86-033)

Significance: Nonsignificant

Legal Authority: 46 USC 170

CFR Citation: 46 CFR 140 to 155

Legal Deadline: None.

Abstract: This proposed rule would correct or remove outdated cross-references and statutory citations related to the transportation of hazardous materials throughout 46 CFR Chapter 1.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Additional Information: Project entails replacement of words "46 CFR" with "49 CFR" with necessary revised leadins.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 2nd St. SW, Washington, DC 20593, 202 267-1577

RIN: 2115-AC28

1652. HAZARDOUS SUBSTANCES POLLUTION PREVENTION (86-034)

Significance: Nonsignificant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 154 to 156

Legal Deadline: None.

Abstract: This regulatory project will apply the present oil pollution prevention regulations in 33 CFR Parts 154-156 to vessels and onshore and offshore facilities transferring hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Yes

Agency Contact: M. Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-0491

RIN: 2115-AC29

1653. UPDATING APPROVAL REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 180; 46 CFR 35 to 20

Legal Deadline: None.

Abstract: This proposal will update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Yes

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AC30

1654. REVISED APPROVAL SPECIFICATIONS FOR NONCOMBUSTIBLES AND PROHIBITION OF ASBESTOS FOR COMMERCIAL VESSELS (86-035)

Significance: Nonsignificant

Legal Authority: 46 USC 3306 (a)

CFR Citation: 46 CFR 30 to 40; 46 CFR 70; 46 CFR 188 to 196; 46 CFR 140 to 154; 46 CFR 90

Legal Deadline: None.

Abstract: This proposal will revise the approval specifications for noncombustible materials for merchant vessel construction to delete asbestos as an acceptable noncombustible material.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Yes

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AC32

1655. U.S. AID TO NAVIGATION SYSTEMS (86-031)

Significance: Nonsignificant

Legal Authority: 14 USC 81; 14 USC 87; 14 USC 92; 14 USC 93; 14 USC 633

CFR Citation: 33 CFR 62

Legal Deadline: None.

Abstract: This regulation would amend 33 CFR Part 62 - United States Aid to Navigation Systems – to include the International Association of Lighthouse Authorities System.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: LTJG Wulfkuhle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-0346

RIN: 2115-AC33

1656. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115; HR 1362

CFR Citation: 46 CFR 41 to 46

Legal Deadline: None.

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
NPRM	03/05/88	

Small Entity: Undetermined

Agency Contact: Mr. Frank Perrini, Naval Architect, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-2988

RIN: 2115-AC37

1657. ● SELF-INSPECTION OF FIXED OCS FACILITIES (CGD 84-098(A))

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356; 43 USC 1.46(z)

CFR Citation: 33 CFR 140; 33 CFR 143

Legal Deadline: None.

Abstract: Would modify 33 CFR Subchapter N by requiring owners/operators of fixed OCS facilities to conduct an annual inspection for compliance with Coast Guard regulations and report the results of the self-inspection to the Coast Guard on a Coast Guard-provided form. This proposal would shift to the industry, at an estimated cost of $.53M, a function that would require a government expenditure of $.76M. Increased oversight inspections to ensure program reliability would require government expenditures estimated to be initially $.19M. This proposal minimizes cost to the industry and, by allowing available Coast Guard resources to be concentrated in critical areas, would improve safety in the OCS.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	05/00/87	

Small Entity: No

Additional Information: CGD 84-098(a) Self-Inspection of Fixed OCS Facilities separated from CGD 84-098 on 28 Mar. 1986.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: LCDR Cross, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2307

RIN: 2115-AC40

1658. ● OFFSHORE EVACUATION PROCEDURES (84-098(B))

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 43 USC 1348(c); 43 USC 1356; 49 CFR 1.46(z)

CFR Citation: 33 CFR 140; 33 CFR 146

Legal Deadline: Statutory, September 1, 1987. Omnibus Budget Reconciliation Act of 1986 (PL 99-509)

Abstract: Would modify 33 CFR Subchapter N to require evacuation procedures for all OCS facilities on the U.S. OCS. This would apply to MODUs, both foreign and U.S.-flag; Fixed Platforms and Floating Facilities. An alternative being considered is the mandatory use of stand-by boats.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	05/00/87	

Small Entity: No

Additional Information: CGD 84-098(b) Offshore Evacuation Procedures for OCS facilities separated from CGD 84-098.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: LCDR Cross, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2307

RIN: 2115–AC41

1659. ● NAVIGATION BRIDGE VISIBILITY (CGD 85-099)

Significance: Nonsignificant

Legal Authority: 46 USC 369; 46 USC 391a

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 72; 46 CFR 91; 46 CFR 92; 46 CFR 108; 46 CFR 157; 46 CFR 190

Legal Deadline: None.

Abstract: Limited visibility from the navigation bridge of vessels has been identified as a factor in vessel casualties and near-misses. This action would establish standards for acceptable limits of visibility based on existing international guidelines. Because the primary focus is on new vessel design, costs are estimated to be minimal compared to potential benefits in casualties prevented.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. Edward J. LaRue, Jr., Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0416

RIN: 2115–AC42

1660. ● FIRE EXTINGUISHERS (PORTABLE AND SEMI-PORTABLE) - REVISING APPROVAL SPECIFICATIONS AND UPDATING CARRIAGE REQUIREMENTS (86-072)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 162; 46 CFR 25; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 168; 46 CFR 181; 46 CFR 193; 33 CFR 145; 33 CFR 149

Legal Deadline: None.

Abstract: Update approval specifications for portable and semi-portable fire extinguishers to incorporate minimum acceptance standards, and minimum factory quality control and independent laboratory inspection levels. Update extinguisher carriage and inspection requirements on vessels to reflect current fire extinguisher technology.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Klaus Wahle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC43

1661. ● SOLAS 74/83 LIFE JACKET APPROVAL REQUIREMENTS REVISION (85-200)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: This project is to establish U.S. Coast Guard approval requirements for lifejackets meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: No

Additional Information: This is the first in a series of projects, numbered 85-200 to 85-211, which have been split off from Coast Guard 84-069 which implemented the 1983 Amendments to SOLAS 1974. So many revisions were necessary that it was better to make several small and easily identifiable projects rather than a large and confusing one. Because of staffing assignments, the projects may not be completed in numerical order, and many cannot be given estimated completion dates.

Analysis: Regulatory Evaluation 07/00/88

Agency Contact: Mr. Samuel Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC46

1662. ● SOLAS 74/83 LIFEBOAT AND RESCUE BOAT APPROVAL REQUIREMENTS (85-201)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for lifeboats and rescue boats meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC47

1663. ● SOLAS 74/83 EMERGENCY DRINKING WATER AND FOOD APPROVAL REQUIREMENTS (85-202)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for emergency drinking water and food meeting the 1983 Amendments to the Safety of Life at Sea Convention.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Analysis: Regulatory Evaluation

Agency Contact: Ms. Lissa Martinez, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC48

1664. ● SOLAS 74/83 REVISION OF PYROTECHNIC DISTRESS SIGNAL APPROVAL REQUIREMENTS (85-203)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for pyrotechnic distress signals meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AC49

1665. ● SOLAS 74/83 REVISION OF DISEMBARKATION LADDER APPROVAL REQUIREMENTS (85-204)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for disembarkation ladders meeting the 1983 Amendments to the Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC50

1666. ● SOLAS 74/83 REVISION TO INFLATABLE LIFERAFT APPROVAL (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirement for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC51

1667. ● SOLAS 74/83 REVISION OF HYDRAULIC RELEASE DEVICE APPROVAL REQUIREMENTS (85-206)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for hydraulic releases meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC52

1668. ● SOLAS 74/83 REVISION OF DAVIT AND WINCH APPROVAL REQUIREMENTS (85-207)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for davits and winches meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC53

1669. ● SOLAS 74/83 RADAR REFLECTOR APPROVAL REQUIREMENTS (85-209)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for radar reflectors meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC54

1670. ● SOLAS 74/83 REVISION OF LIFEBUOY APPROVAL REQUIREMENTS (85-210)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for lifebuoys meeting the 1983 Amendments of the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Samuel Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC55

1671. ● SOLAS 74/83 REVISION OF LIFE JACKET LIGHT APPROVAL REQUIREMENTS (85-211)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 161

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirement for life jacket lights meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC56

1672. ● ADVANCE NOTICE OF ARRIVAL (CGD 86-055)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(a)(5)

CFR Citation: 33 CFR 160

Legal Deadline: None.

Abstract: This revision to 33 CFR 160 Subpart C would require advance notices from all foreign commercial vessels of less than 1600 gross tons bound for parts or places in the Miami Captain of the Port zone. Currently 33 CFR 160.201(c)(1) excepts all vessels of less than 1600 gross tons from reporting advance notices of arrival.

Timetable:

Action	Date	FR Cite
NPRM	10/30/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/30/87

Agency Contact: Mr. M. Fell, Office of Marine Safety, Security and, Environmental Protection, Department of Transportation, U.S. Coast Guard, Commandant (G-MPS-3), 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0475

RIN: 2115-AC58

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

1673. + INTERVALS FOR DRYDOCKING AND TAILSHAFT EXAMINATION ON INSPECTED VESSELS (84-024)

Significance: Regulatory Program

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 61; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 169; 46 CFR 189

Legal Deadline: None.

Abstract: Various Coast Guard regulations specify the intervals for drydocking and tailshaft examinations on inspected vessels. The Coast Guard has proposed to extend the interval between drydockings because extension of the interval can result in significant savings to vessel operators without diminishing overall vessel safety. This regulation is significant because it involves important departmental safety policy.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19050
ANPRM Comment Period End	08/02/84	
NPRM	05/30/86	51 FR 19720
Correction	06/09/86	51 FR 20847
NPRM Comment Period End	09/30/86	51 FR 29116
Interim Final Rule	07/01/87	

Small Entity: Yes

Additional Information: Regulatory Evaluation will be completed at same time as final rule.

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: LT Powers, Department of Transportation, U.S.

DOT—USCG

Final Rule Stage

Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1464

RIN: 2115–AB58

1674. + JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433

Next Action Undetermined

Small Entity: No

Additional Information: All action on this proposal has been suspended pending legislative action by the Canadian Government.

Agency Contact: LTJG K. Bradley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0412

RIN: 2115–AA39

1675. + LICENSING OF MARITIME PERSONNEL (CGD 81 - 059)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114

CFR Citation: 46 CFR 10; 46 CFR 35; 46 CFR 157; 46 CFR 175; 46 CFR 185; 46 CFR 186; 46 CFR 187

Legal Deadline: None.

Abstract: Would amend the licensing regulations to simplify administration and improve readability to the public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. This regulation has been made significant because of its far-reaching impact on all licensed officers of the merchant marine.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
NPRM Supplemental	10/24/85	50 FR 43316
Interim Final Rule	07/30/87	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 46 USC 8101; 46 USC 8105; 46 USC 8104; 46 USC 8301; 46 USC 8302; 46 USC 8303; 46 USC 8304; 46 USC 8502; 46 USC 7701; 46 USC 7702; 46 USC 7703; Comment period runs until 02/21/86. Public hearings held in Washington, D.C.; New York, New York; Seattle, Washington; San Francisco, California; and New Orleans, Louisiana.

Analysis: Regulatory Evaluation 08/08/83 (48 FR 35920)

Agency Contact: LCDR Jenkins, Program Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115–AA64

1676. + SAFETY RULES FOR VESSELS ENGAGED IN CHEMICAL WASTE INCINERATION AT SEA (84-025)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 150

Legal Deadline: None.

Abstract: Would establish safety rules for the design of vessels engaged in the incineration of chemical wastes at sea. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30241
NPRM Comment Period End	10/24/86	
Final Action	08/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: LCDR D. B. Crawford, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115–AB60

1677. ● + IMPLEMENTATION OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) (CGD 86-082)

Significance: Agency Priority

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 3; 33 CFR 80; 33 CFR 100; 33 CFR 110; 33 CFR 147; 33 CFR 150; 33 CFR 161; 33 CFR 162; 33 CFR 165; 33 CFR 166; 33 CFR 167; 33 CFR 177

Legal Deadline: None.

Abstract: By NAD 83, geologists changed the datum used to calculate points of latitude and longitude. Geographic positions listed in 33 CFR are referenced to horizontal datums rather than NAD 83. Implementation of NAD 83 makes these positions incorrect. Because the positions, which are used in charts and for aids to navigation, are now incorrect, there is an increased chance for groundings, marine accidents, and misinterpretation of Coast Guard boundaries and areas of search and rescue responsibilities. All Coast Guard districts were advised of this issue on December 12, 1986. Mariners were then informed through Notices to Mariners published by the respective districts.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 04/00/87

Agency Contact: Mr. F. L. Parker, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0357

RIN: 2115–AC44

1678. CONSTRUCTION AND EQUIPMENT; EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (77-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None.

Abstract: Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including

the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the International Maritime Organization (IMO). These amended regulations would increase safety levels for existing ships carrying gas.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/77	42 FR 33353
NPRM	03/14/85	50 FR 10264
Final Action	06/00/87	

Small Entity: No

Additional Information: Docket No. 77-069.

Analysis: Draft Regulatory Evaluation 03/14/85 (50 FR 10264)

Agency Contact: Ms. K. Barylski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AA00

1679. LIQUEFIED NATURAL GAS WATERFRONT FACILITY (78-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1225

CFR Citation: 33 CFR 127

Legal Deadline: None.

Abstract: Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Research and Special Programs Administration.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/78	43 FR 34362
ANPRM Supplementary	03/08/79	44 FR 12693
NPRM	05/16/86	51 FR 18276
Final Action	06/00/87	

Small Entity: Yes

Additional Information: Docket No. CGD 78-038.

Analysis: Regulatory Evaluation 05/16/86 (51 FR 18276)

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0491

RIN: 2115-AA22

1680. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
Final Action	07/00/88	

Small Entity: No

Additional Information: Docket No. CGD 78-174. Two additional projects split from this one. They are listed in this Agenda as CGD 78-174a, Carriage and Operational Requirements for Hybrid PFDs and CGD 78-174b, Carriage and Operational Requirements for Inflatable Life Jackets. Entries for these projects follow in the agenda.

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA29

1681. LAUNCHING DEVICES FOR LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None.

Abstract: Proposed standards, procedures, and tests for approving equipment used to launch inflatable liferafts from vessels and offshore platforms.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	
Final Action	08/00/87	

Small Entity: No

Additional Information: Docket No. CGD 79-168.

Analysis: Regulatory Evaluation 02/13/86 (51 FR 5377)

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA45

1682. AUTOMATED AND REMOTE-CONTROL MONITORING OF VITAL SYSTEMS (81-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 61; 46 CFR 62; 46 CFR 110; 46 CFR 111; 46 CFR 113

Legal Deadline: None.

Abstract: Would implement the provisions for periodically unattended machinery spaces and automated machinery in the 1974 Safety of Life at Sea (SOLAS) Amendments and the guidance on system design in the Coast Guard Navigation and Inspection Circulars on Automated Main and Auxiliary Machinery.

Timetable:

Action	Date	FR Cite
NPRM	09/23/85	50 FR 38608
NPRM Comment Period End	02/21/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: Docket No. CGD 81-030.

NPRM comment period closed 21 Feb, 1986.

Analysis: Regulatory Evaluation 09/23/85 (50 FR 38608)

Agency Contact: LT Randall, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA59

1683. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

DOT—USCG

Final Rule Stage

CFR Citation: 33 CFR 115

Legal Deadline: None.

Abstract: Would establish the general bridge-permit program.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
NPRM Supplemental	04/24/86	51 FR 15503

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-057.

Analysis: Regulatory Evaluation 04/24/86 (51 FR 15503)

Agency Contact: Mr. Mark Thompson, Env. Protection Specialist, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2680

RIN: 2115-AA61

1684. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/87 to 04/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/88	

Small Entity: No

Agency Contact: Mr. M. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0415

RIN: 2115-AA97

1685. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/87 to 04/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/88	

Small Entity: No

Agency Contact: Mr. M. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0415

RIN: 2115-AA98

1686. DOCUMENTATION OF VESSELS; CONTROLLING INTEREST (82-105)

Significance: Nonsignificant

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Legal Deadline: None.

Abstract: This item will define the term "controlling interests" for the purpose of documenting vessels owned by partnerships.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/82	47 FR 51170
NPRM	07/16/84	49 FR 28744
NPRM Comment Period End	10/15/84	49 FR 35967
Final Action	06/01/87	

Small Entity: Undetermined

Additional Information: Docket No. CGD 82-105. Comment period extended 9/13/84.

Analysis: Regulatory Evaluation 07/16/84 (49 FR 28744)

Agency Contact: Mr. T. L. Willis, Merchant Vessel Inspection and Documentation Division, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1492

RIN: 2115-AB27

1687. CARRIAGE AND USE OF LIQUEFIED OR NONLIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None.

Abstract: Proposed requirements for the use of liquefied flammable gas and compressed natural gas and cooking fuels.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
SNPRM	04/18/86	50 FR 15522
Final Action	06/01/87	

Small Entity: Yes

Additional Information: Docket No. CGD 83-013.

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10685)

Agency Contact: Cdr Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1055

RIN: 2115-AB35

1688. ACCOMMODATIONS, RAILS AND GUARDS (84-073)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 10104

CFR Citation: 46 CFR 32; 46 CFR 77; 46 CFR 96; 46 CFR 195

Legal Deadline: None.

Abstract: This proposal would eliminate duplicative regulations and clarify language in certain areas.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39729
NPRM Comment Period End	11/29/85	50 FR 39729
Final Action	04/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/30/85 (50 FR 39729)

Agency Contact: Mr. John M. Kinsey, Department of Transportation, U.S.

Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2997

RIN: 2115-AB68

1689. LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None.

Abstract: This project resulted from comments received on Coast Guard proposed rulemaking 81-59, Licensing of Officers and Motorboat Operators and Registration of Staff Officers which is contained in this agenda under another listing. The comments suggested that licensing of officers on Mobile Offshore Drilling Units be discussed in a separate rulemaking. This project is the result of those suggestions; it would establish licensing requirements for officers on Mobile Drilling Units.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	07/30/87	

Small Entity: No

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Officers and Motorboat Operators and Registration of Staff Officers, which is listed elsewhere in this agenda with the RIN 2115-AA64.

Analysis: Regulatory Evaluation 10/24/85 (50 FR 43316)

Agency Contact: LCDR Jenkins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115-AB91

1690. MARPOL POLLUTION PREVENTION REGULATIONS (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None.

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
Final Action	06/00/87	

Small Entity: No

Analysis: Draft Regulatory Evaluation 09/13/85; Environmental Assessment 09/13/85

Agency Contact: LCDR Pascoe, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0421

RIN: 2115-AC11

1691. CARRIAGE AND OPERATIONAL REQUIREMENTS FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None.

Abstract: This rulemaking proposes approval and operating requirements for inflatable life jackets. Their use would be optional.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
Final Action	12/00/87	

Small Entity: No

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; establishment of Approval Requirements 178 1741 (RIN: 2115-AA29). This rule (RIN 2115-AA29) was published as an interim final rule (50 FR 33923).

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21878)

Agency Contact: Mr. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AC16

1692. HEALD BANK CUTOFF SAFETY FAIRWAY (85-062)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: A study of port access in the Galveston area shows the need for a new fairway for deep draft vessels in the vicinity of Heald Bank. This proposal would establish that fairway.

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7814
NPRM Comment Period End	05/05/86	
Final Action	05/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/06/86 (51 FR 7814)

Agency Contact: LTJG Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0364

RIN: 2115-AC19

1693. BERWICK BAY VESSEL TRAFFIC SERVICE (85-076)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: This rulemaking would replace currently used categorical horsepower-tow length requirements with stricter straight-line ratio requirements which have proven effective in preventing tow/bridge collisions.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 806
Final Action	08/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 01/09/87 (52 FR 806)

Agency Contact: Mr. M. Powers, Department of Transportation, U.S.

Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0415

RIN: 2115–AC21

1694. COMPATIBILITY OF CARGOES (86-100)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 150; 46 CFR 1.46(b); 46 CFR 1.46(t); 46 CFR 1.46(u)

Legal Deadline: None.

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels. Since this action is recurrent, the Coast Guard has established a continuing docket for this type of action.

Timetable:

Action	Date	FR Cite
NPRM	12/08/86	48 FR 44182
NPRM Comment Period End	01/08/87	
Final Action	05/00/87	

Small Entity: Yes

Agency Contact: Mr. M. Parnarouskis, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1577

RIN: 2115–AC35

1695. BOATING SAFETY; FUEL SYSTEM STANDARD (85-098)

Significance: Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 183.1; 33 CFR 183.5; 33 CFR 183.505; 33 CFR 183.528; 33 CFR 183.532; 33 CFR 183.540; 33 CFR 183.558; 33 CFR 183.568; 33 CFR 183.590

Legal Deadline: None.

Abstract: This rule would require gasoline fuel hose installed in new recreational boats to meet performance requirements of SAE Standard J1527DEC 85 instead of SAE Standard J30C. The change reflects safety questions about the effects increasing levels of aromatics and alcohols in fuels have on permeation rates and longevity of hose meeting SAE Standard J30C.

Timetable:

Action	Date	FR Cite
NPRM	03/20/86	51 FR 9689
Final Action	04/00/87	

Small Entity: No

Analysis: Draft Regulatory Evaluation 03/20/86 (51 FR 9689)

Agency Contact: Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0981

RIN: 2115–AC36

1696. GREAT LAKES PILOTAGE RATES (86-020)

Significance: Nonsignificant

Legal Authority: 46 USC 8105, 46 USC 9303; 46 USC 9304

CFR Citation: 46 CFR 401

Legal Deadline: None.

Abstract: This proposal would amend the Great Lakes Pilotage Regulations to cause pilotage rates in Districts 1 and 3 to increase by 13% and 6% respectively, to meet pilot needs to cover increased costs; no increase is proposed for District 2.

Timetable:

Action	Date	FR Cite
NPRM	05/22/86	51 FR 18806
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Mr. John Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-0217

RIN: 2115–AC38

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Completed Actions

1697. + WORKPLACE SAFETY AND HEALTH REQUIREMENTS FOR FACILITIES ON THE OUTER CONTINENTAL SHELF (79-077)

Significance: Regulatory Program

Legal Authority: 43 USC 1333; 43 USC 1347

CFR Citation: 33 CFR 142

Legal Deadline: None.

Abstract: This regulation develops occupational safety and health standards for personnel working on OCS facilities.

Timetable:

Action	Date	FR Cite
Notice of Meeting	03/05/81	46 FR 15402
Correction of Notice	03/19/81	46 FR 17702
NPRM	01/09/84	49 FR 1085
Correction	02/20/84	49 FR 7253
Final Action	07/10/86	51 FR 25054
Final Rule; Correction	08/07/86	51 FR 28381
Final Action Effective	01/12/87	

Small Entity: Yes

Additional Information: Docket No. CGD 79-077.

This action is taken in concert with OSHA.

Analysis: Regulatory Evaluation 01/09/84 (49 FR 1085)

Agency Contact: Mr. A. Penn, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2307

RIN: 2115–AA35

1698. REVIEW: VESSEL REPORTING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 391a

CFR Citation: 33 CFR 160

Legal Deadline: None.

Abstract: These regulations were developed and promulgated pursuant to the Port and Tanker Safety Act. They require vessel owners to report their locations, arrivals, and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past have opposed these regulations. These regulations have

been reviewed because of their controversy and impact on the barge and towing industry. The information from advance notice of arrival regulations is a basis for Coast Guard management of vessel movements within U.S. ports and waterways. Consequently, these regulations are deemed appropriate and the priority review is considered complete.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	01/28/87	

Small Entity: No

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0491

RIN: 2115-AB28

1699. DAMAGE STABILITY AND FLOODING PROTECTION STANDARDS FOR GREAT LAKES BULK DRY CARGO VESSELS (80-159)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 6101; 46 USC 8105; 50 USC 198; 46 CFR 1.46 (b), (m), (z); 46 USC 1333 (d); 46 App USC 86; 46 App USC 88a; EO 12234, 45 FR 58801; 46 USC 3703

CFR Citation: 46 CFR 97; 46 CFR 170; 46 CFR 172

Legal Deadline: None.

Abstract: Requires a level of subdivision for new ships based on damage experienced by Great Lakes vessels. Reduces the risk of catastrophic sinking and increases the time available to utilize recently improved survival gear.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/83	48 FR 8312
NPRM	11/07/85	50 FR 46315
NPRM Comment Period End	01/06/86	50 FR 46315
Final Action	09/18/86	51 FR 33056
Final Action Effective	11/17/86	

Small Entity: No

Additional Information: Docket No. CGD 80-159.

Analysis: Regulatory Evaluation 11/07/85 (50 FR 46315)

Agency Contact: LCDR Letourneau, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115-AA01

1700. RECEPTION FACILITIES (78-035)

Significance: Nonsignificant

Legal Authority: 33 USC 1905

CFR Citation: 33 CFR 158; 33 CFR 151

Legal Deadline: None.

Abstract: Requires ports and terminals to ensure waste reception facilities are provided to receive vessel oil and chemical wastes.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/83	48 FR 12395
NPRM	06/19/84	49 FR 25196
Interim Final Rule	09/09/85	50 FR 36768
Interim Final Rule	09/09/85	50 FR 36768
Final Action Affirmation of Interim Final Rule.	09/18/86	51 FR 33037
Final Action Effective	09/18/86	

Small Entity: Yes

Additional Information: See also the entry under Coast Guard Docket Number 85-010 elsewhere in this agenda, RIN AC08.

Analysis: Regulatory Evaluation 09/09/85 (50 FR 36768)

Agency Contact: Lt. T. Mallon, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0491

RIN: 2115-AA21

1701. TANK VESSELS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK; POLLUTION PREVENTION AND CONTROL, EQUIPMENT AND OPERATIONAL REQUIREMENTS (81-101)

Significance: Nonsignificant

Legal Authority: 33 USC 1903(b)

CFR Citation: 46 CFR 153; 46 CFR 151

Legal Deadline: None. Effective date of MARPOL ANNEX II (Marine Pollution Prevention) is April 1987, by which time the implementing regulations should have been published.

Abstract: Restricts the discharge of noxious liquid substances made by chemical tankers.

Timetable:

Action	Date	FR Cite
ANPRM	01/13/82	48 FR 1519
NPRM	09/26/86	46 FR 34350
NPRM Comment Period End	11/24/86	
Final Action	03/12/87	52 FR 7765
Final Action Effective	04/06/87	

Small Entity: No

Additional Information: Docket No. CGD 81-101.

Analysis: Regulatory Evaluation 09/00/86 (46 FR 34350)

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AA73

1702. FAIRWAYS ON THE SOUTHERN COAST OF ALASKA (81-103)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: This rule established fairways on the southern coast of Alaska implementing the result of a Port Access Route Study.

Timetable:

Action	Date	FR Cite
NPRM	02/06/86	51 FR 4615
NPRM Comment Period End	05/06/86	
Final Action	12/02/86	51 FR 43347
Final Action Effective	01/02/87	51 FR 43347

Small Entity: No

Additional Information: Docket No. CGD 81-103.

Analysis: Regulatory Evaluation 02/00/86 (51 FR 4615)

Agency Contact: LTJG D. Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0364

RIN: 2115-AA74

1703. SUBCHAPTER "D" & "O" BARGES - INTERNAL INSPECTIONS (82-005)

Significance: Nonsignificant

BEST COPY AVAILABLE

Legal Authority: 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR 151

Legal Deadline: None.

Abstract: The drydocking regulatory project (CGD 84-024/RIN 2115-AB58) will harmonize the drydocking and internal inspection intervals for barges carrying Subchapter D products. Modifications of the internal inspection intervals of gravity tanks on vessels carrying Subchapter O Products will be accomplished as part of CGD 81-082 (RIN 2115-AA70).

Timetable:

Action	Date	FR Cite
Action Terminated	12/17/86	

Small Entity: No

Additional Information: Docket No. CGD 82-005.

Agency Contact: Lt. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1464

RIN: 2115-AA78

1704. INDEPENDENT LABORATORY INSPECTION OF LIFESAVING EQUIPMENT (83-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 159; 46 CFR 160

Legal Deadline: None.

Abstract: This project has been combined with Dockets 85-201/RIN AC47, 85-205/RIN AC51, and 85-207/RIN AC53.

Timetable:

Action	Date	FR Cite
NPRM	08/27/84	49 FR 38151
NPRM Comment Period End	12/26/84	
Withdrawn	03/31/86	51 FR 10890

Small Entity: No

Additional Information: Docket No. CGD 83-030.

Analysis: Regulatory Evaluation 08/27/84 (49 FR 38151)

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AB36

1705. EDITORIAL CHANGES TO TITLE 46 CFR RESULTING FROM P.L. 98-89 (83-067)

Significance: Nonsignificant

Legal Authority: PL 98-89

CFR Citation: 46 CFR Chapter 1

Legal Deadline: None.

Abstract: Would amend Title 46, CFR to reflect 46 U.S.C. citations for marine safety laws consolidated and reenacted by P.L. 98-89.

Timetable:

Action	Date	FR Cite
First Rule	10/04/84	49 FR 39161
Second Rule	01/11/85	50 FR 1524
Action terminated	12/17/86	

Small Entity: No

Additional Information: Docket No. CGD 83-067.

Authority citations are being changed only when the regulations are being amended, and there is no need for a separate project.

Analysis: Regulatory Evaluation 10/04/84 (49 FR 39161)

Agency Contact: CDR Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1055

RIN: 2115-AB54

1706. MOBILE OFFSHORE DRILLING UNIT OPERATING MANUAL REQUIREMENTS (83-071)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR Subchapter I-A; 46 CFR 109; 46 CFR 170; 46 CFR 174; 46 CFR Subchapter S; 46 CFR 107

Legal Deadline: None.

Abstract: This project amends the information required to be addressed in Mobile Offshore Drilling Unit (MODU) Operating Manuals. Investigative reports on the sinkings of the MODUs Ocean Ranger and Glomar Java Sea recommended that the regulations for MODU operating manuals be more precise and arranged in a manner that is easily understood by operating personnel. Feedback from Coast Guard and industry personnel on improving operating manuals was being considered. The overall effect of this project is to enable the operating manual to be more useful to operating personnel.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22836
NPRM	09/30/85	50 FR 39734
NPRM Comment Period End	11/09/85	50 FR 39734
Final Action	03/06/87	52 FR 6974
Final Action Effective	06/04/87	

Small Entity: No

Additional Information: Docket No. CGD 83-071.

Analysis: Regulatory Evaluation 09/30/85 (50 FR 39734)

Agency Contact: LT. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AB56

1707. EXCEPTION OF UNMANNED BARGES FROM COLREGS VERTICAL SECTOR LIGHT REQUIREMENTS (84-049)

Significance: Nonsignificant

Legal Authority: 33 USC 180; 33 USC 258; 33 USC 322

CFR Citation: 33 CFR 81

Legal Deadline: None.

Abstract: Annex I of the International Regulations for Preventing Collisions at Sea, 1972. (COLREGS), contains technical requirements for navigation lights on vessels which proceed beyond the COLREGS demarcation lines. Lights on unmanned barges may not be able to meet the vertical sector requirements due to lack of electricity-producing equipment on board these vessels. The Coast Guard considered exempting unmanned barges from the requirements, and addressed this matter at IMO. The general consensus of that body was to handle the issue through alternative compliance as provided in rule 1 of the COLREGS. Because of this, the Coast Guard is no longer considering a permanent exemption. The industry will be advised to meet the requirements or apply for alternative compliance as provided for in 33 CFR 81.

Timetable:

Action	Date	FR Cite
Request for Comments	07/06/84	49 FR 27786
Begin Review	07/01/86	
Action terminated	12/09/86	
End Review	12/09/86	

Small Entity: No

Additional Information: The Coast Guard is no longer considering granting a permanent exemption from meeting the vertical sector requirements for navigation lights on unmanned barges operating on COLREG waters. Unmanned barges will either be required to meet the vertical sector requirements or obtain a certificate of alternative compliance as provided for in 33 CFR 81.

Agency Contact: LTJG E. Zacharias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0362

RIN: 2115-AB90

1708. LIFESAVING EQUIPMENT: IMMERSION SUITS (84-069A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3102

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: This proposal is a sub-project to Coast Guard docket 84-069, Lifesaving Equipment. This rule will incorporate the provisions of international agreement (SOLAS) into Coast Guard regulations concerning immersion suits.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4401
NPRM Comment Period End	05/05/86	51 FR 4401
Final Action	01/12/87	52 FR 1185
Final Action Effective	04/13/87	52 FR 1185

Small Entity: No

Additional Information: This proposal is split off from CGD 84-069, Lifesaving Equipment (RIN: 2115-AB72).

Analysis: Regulatory Evaluation 02/04/86 (51 FR 4401)

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AB98

1709. PUGET SOUND: VESSEL TRAFFIC SERVICE (85-092)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: This amendment updates the reporting requirements to reflect the Vessel Traffic Center's (VTC) increased radar coverage capabilities; clarifies the wording throughout the regulations; and reorganizes and rewords the regulations to make them compatible with the proposed joint U.S. - Canada Vessel Traffic Management regulations for the Pacific Region which will apply to waters adjacent to those covered by those regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/12/86	51 FR 32489
NPRM Comment Period End	11/12/86	
Final Action	03/13/87	52 FR 7856
Final Action Effective	04/12/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/12/86 (51 FR 32489)

Agency Contact: LTJG Bradley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0412

RIN: 2115-AC01

1710. TYPE A AND B FUEL HOSE IN THE FUEL SYSTEMS STANDARD (85-098)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1456; 46 USC 1488

CFR Citation: 33 CFR 183

Legal Deadline: None.

Abstract: This rulemaking would require recreational boats to use fuel lines resistant to permeation by methanol.

Timetable:

Action	Date	FR Cite
NPRM	03/20/86	51 FR 9689
NPRM Comment Period End	06/18/86	
Duplicative Action; see RIN 2115 AC36.	12/15/86	

Small Entity: No

Additional Information: THIS IS A DUPLICATE OF RIN 2115-AC36.

Analysis: Regulatory Evaluation 03/20/86 (51 FR 9689)

Agency Contact: Mr. Gray, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0995

RIN: 2115-AC04

1711. BOATING SAFETY; CERTIFICATION AND SAFE POWERING STANDARDS (85-002)

Significance: Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 181.1; 33 CFR 181.5; 33 CFR 181.15; 33 CFR 183.1; 33 CFR 183.3; 33 CFR 183.53

Legal Deadline: None.

Abstract: This rulemaking established an optional performance test method as an alternative to the existing calculation method for determining the maximum horsepower capacity of small outboard runabouts less than 13 feet in length which meet other special criteria.

Timetable:

Action	Date	FR Cite
ANPRM	03/21/85	50 FR 11383
ANPRM Comment Period End	05/09/85	
Extension of Comment Period to 06/09/85	05/23/85	50 FR 21311
NPRM	05/29/86	51 FR 19364
NPRM Comment Period End	07/29/86	
Final Action	11/23/86	51 FR 37572
Final Action Effective	08/01/87	51 FR 37572

Small Entity: No

Analysis: Regulatory Evaluation 11/23/86 (51 FR 37572)

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100

Second Street, SW, Washington, DC 20593-0001, 202 267-0981

RIN: 2115-AC07

1712. CONTROL OF RESIDUES AND MIXTURES CONTAINING OIL OR NOXIOUS LIQUID SUBSTANCES (85-010)

Significance: Nonsignificant

Legal Authority: 33 USC 1901 to 1911

CFR Citation: 33 CFR 151; 33 CFR 158

Legal Deadline: None.

Abstract: This rulemaking would set procedures and standards for certification of chemical-waste reception facilities.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/83	48 FR 12395
ANPRM Comment Period End	06/23/83	
NPRM	09/26/86	51 FR 34332
NPRM Comment Period End	11/10/86	
Final Action	03/12/87	52 FR 7744
Final Action Effective	04/06/87	

Small Entity: No

Additional Information: This project was split out from Coast Guard Docket 78-035 Reception Facilities (RIN 2115-AA21) listed elsewhere in the agenda. These two projects would implement Annex I and Annex II of MARPOL 73/78, respectively. Annex I deals with oil while Annex II deals with chemicals. The project was split for clarity.

Analysis: Regulatory Evaluation 04/09/86

Agency Contact: Lt. Mallon, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0494

RIN: 2115-AC08

1713. BOATING SAFETY; VENTILATION STANDARD (85-059)

Significance: Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 183.620(b)

Legal Deadline: None.

Abstract: This rule removed the requirement for ventilation openings to face forward and the requirement for testing to show airflow. These requirements had virtually no impact on achieving the necessary ventilation.

Timetable:

Action	Date	FR Cite
NPRM	06/23/86	51 FR 22830
NPRM Comment Period End	08/22/86	
Final Action	11/23/86	51 FR 37577
Final Action Effective	08/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/23/86 (51 FR 22830)

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0981

RIN: 2115-AC15

1714. PUGET SOUND VESSEL TRAFFIC SYSTEM (85-092)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161 to 199

Legal Deadline: None.

Abstract: Duplicate of RIN 2115-AC01.

Timetable:

Action	Date	FR Cite
Duplicate of RIN 2115-AC01	12/15/86	

Small Entity: Undetermined

Agency Contact: LTJG Bradley, Waterways Management Division, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-0412

RIN: 2115-AC26

1715. DOCUMENTATION OF VESSELS

Significance: Nonsignificant

Legal Authority: 46 USC 121

CFR Citation: 46 CFR 67

Legal Deadline: None.

Abstract: This project amends 46 CFR Part 67 -- Documentation of Vessels -- to make eligible for documentation in the coastwise trade those vessels subject to administrative forfeiture. Presently only vessels subject to judicial forfeiture are eligible. The rule removes any outstanding encumbrances from forfeited vessels to make them more attractive for resale for use in the coastwise trade.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21580
Final Action	09/19/86	51 FR 33268
Final Action Effective	09/19/86	51 FR 33268

Small Entity: Yes

Agency Contact: LT Oxley, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1492

RIN: 2115-AC31

1716. INLAND WATERWAY NAVIGATION REGULATIONS; GULF OF MEXICO (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None.

Abstract: Duplicate of RIN 2115-AC03.

Timetable:

Action	Date	FR Cite
Duplicate of RIN 2115-AC03	02/27/87	

Small Entity: Undetermined

Agency Contact: Michael Powers, Waterways Management Division, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-0404

RIN: 2115-AC39

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Prerule Stage

1717. + REVIEW OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None.

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040).

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120-AA70

1718. + IMPROVED SEAT-SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: To develop improved load-test criteria for occupant seat restraint systems on transport airplanes based on the ongoing joint FAA/NASA/industry transport airplane crashworthiness program which encompasses tests and studies of past survivable accident data. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25982
NPRM Comment Period End	01/14/87	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 25040

Analysis: Regulatory Evaluation 07/17/86 (51 FR 25982)

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2120

RIN: 2120-AA88

1719. + PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None.

Abstract: Would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit re-modification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AB50

1720. + FIRE PROTECTION REQUIREMENTS FOR CARGO AND BAGGAGE COMPARTMENTS - PARTS 121 AND 135

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449; 49 USC 1472; 49 USC 1355(a); 49 USC 1431

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: This action would propose requirements to improve cargo compartment fire protection for transport category airplanes operated under Parts 121 and 135 after a specified date. This action would propose a new rule which would require, within two years, replacement

of ceiling and sidewall (including door and bulkhead) cargo compartment fire resistant liner panels in Class C and D cargo compartments greater than 200 cubic feet in volume in certain transport category airplanes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120-AC04

1721. REVIEW: PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9372

RIN: 2120-AB09

1722. REVIEW: PART 67—MEDICAL STANDARDS AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None.

Abstract: This part prescribes the medical standards and procedures that apply to the issuance of medical certificates to airmen. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: William Hark, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120-AB13

1723. REVIEW: PART 141—PILOT SCHOOLS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 141

Legal Deadline: None.

Abstract: This part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings; the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate; and the facilities an applicant must have available to hold a pilot school or provisional pilot school certificate. Also prescribed are the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate or rating; the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority; and the operating rules that are applicable to a pilot school or provisional pilot school certificated under this part. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB14

1724. REVIEW: PART 121 — CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB27

1725. REVIEW: PART 135 – AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB28

1726. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None.

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	12/03/83	48 FR 45214

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23781.

Analysis: Regulatory Evaluation 10/03/83

Agency Contact: Jean Casciano, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9683

RIN: 2120-AA50

1727. ACCELERATED GROUND TRAINING - FLIGHT ENGINEERS' SKILL REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Legal Deadline: None.

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 22781.

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3752

RIN: 2120-AA79

1728. INSTRUMENT FLIGHT RULE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: The FAA is considering rulemaking to revise several sections of Part 135 dealing with instrument flight rules. The action is, in part, in response to petitions from Owen Aviation and Liberal Aircraft. The proposed rules would restore the right of single engine airplanes to operate in instrument flight rule conditions under specified conditions, relax minimums at foreign and military airports, and add visibility and ceiling requirements at airports without standard instrument approach procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 20164

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120-AA82

DOT—FAA

Prerule Stage

1729. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None.

Abstract: This action would delay an October 15, 1982, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robert Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3788

RIN: 2120-AA98

1730. PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None.

Abstract: This part prescribes the requirements for issuing pilot and flight instructor certificates and ratings, the conditions under which these ratings are necessary, and the privileges and limitations of those certificates and ratings. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB12

1731. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This proposal would review special conditions issued for high altitude operation and to consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 06/27/84

Agency Contact: Gary Livum, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68968, Seattle, Washington 98168, 206 431-2134

RIN: 2120-AB18

1732. LOW-FUEL-QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: Possible revision to FAR 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 05/16/85

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2135

RIN: 2120-AB46

1733. ANTIBLOCKING DEVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 106(g) Revised Pub. L. 97-449, January 12, 1983; 14 CFR 11.45; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas. Action pending operational evaluation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Docket Number 23755.

Agency Contact: Robert L. Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AB92

1734. FLIGHT ATTENDANT FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: The Association of Flight Attendants and the Joint Council of Flight Attendant Unions have petitioned the FAA to amend Part 121 and 135 to establish maximum duty timelimits and minimum hours of rest for flight attendants. Summaries of the petitions were published (50 FR 6185 and 50 FR 25252) and requested comments to assist the FAA in determining what, if any, regulatory proposals should be developed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3757

RIN: 2120-AB97

1735. AIRCRAFT FLEET MODERNIZATION STRATEGIES

Significance: Nonsignificant

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 42 USC 4321 et seq

CFR Citation: 14 CFR 21, (Revision); 14 CFR 23, (Revision); 14 CFR 25, (Revision); 14 CFR 36, (Revision); 14 CFR 91, (Revision)

Legal Deadline: None.

Abstract: The FAA was directed by the Appropriations Committee of the U.S. House of Representatives (H. Report 99-256) to report on alternatives available to provide incentives to air carriers to accelerate modernization of the commercial aircraft fleet. This report will detail those alternatives, including a program of regulatory actions that might be taken by the FAA over a period of five to seven years, for implementation for up to fifteen years.

Timetable:

Action	Date	FR Cite
Public Hearing Announcement	12/01/85	50 FR 45701
Public Hearing	12/10/85	
Report to Congress (Reg. Program) Description of Regulatory Alternative for Fleet Modernization	04/01/86	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: A public hearing was held on December 10, 1985, to afford interested parties the opportunity to present their views and data on issues raised in the preparation of the Report to Congress.

Government Levels Affected: Local, State, Federal

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC03

1736. AIRCRAFT REGISTRATION RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1401(a); 49 USC 1401(b); 49 USC 1402; 49 USC 1403(g); 49 USC 1405

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None.

Abstract: This is a recodification of 14 CFR Parts 47 and 49 in order to modernize these parts, making them compatible with modern business practices, in keeping with FAA policy.

The potential costs have not yet been assessed, but are considered to be negligible as the impact will be procedural and not substantive.

The potential benefits are the clarification of regulatory language and facilitation of procedures for registration of aircraft and recordation of conveyances affecting ownership of or interest in US civil aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Alonso J. Rodriguez, Attorney Advisor, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, 405 686-2296

RIN: 2120-AC17

1737. NOISE AND EMISSION STANDARDS FOR AIRCRAFT POWERED BY ADVANCED TURBOPROP (PROPFAN) ENGINES

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise standards for type certification of airplanes. A new generation of aircraft powered by prop fan engines may present a noise problem that is not currently addressed by Part 36 in that enroute noise at cruise altitude (25,000 to 30,000 ft) may require a new standard. This proposal would establish a new standard to control high altitude flyover noise from these new types of aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC20

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Federal Aviation Administration (FAA)

1738. ● + REVIEW AND REVISION OF REPAIR STATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 145

Legal Deadline: None.

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair-station requirements and update the rules to reflect the current international and domestic environment and needs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Robert Seger, Assistant Division Manager, AFS-300, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8322

RIN: 2120-AC38

1739. + LOW-ALTITUDE WINDSHEAR EQUIPMENT REQUIREMENTS FOR TAKEOFFS/LANDINGS OF TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: This notice proposes to require that all turbojet-powered airplanes operated in accordance with Part 121 have airborne systems that warn a flightcrew of the presence of low-altitude windshear conditions and then provide flight guidance to follow that would produce the optimal flight path for a missed approach procedure. This proposal would require that any Part 121 operator using an approved simulator as a part of its training program develop a specific windshear-related simulator flight training course for its flightcrews. This proposal would require that Part 121 and 135 operators using an approved training program include training concerning the low-altitude windshear phenomenon as a part of their normal ground training. Low-altitude windshear has been a prime causal factor in numerous air carrier accidents and possibly has contributed to a number of general aviation accidents.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25807
NPRM	04/20/87	

Small Entity: No

Additional Information: Docket No. 19110. In 1975, the FAA began a two-year effort to develop a windshear program. As part of the program, FAA began work to develop a windshear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal, it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. (14 CFR Parts 91, 121 & 135).

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3752

RIN: 2120-AA01

1740. + METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); Act for the Administration of Washington National Airport; Second Washington Airport Act; 64 Stat. 770, Sec. 4

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: This action proposed various operational ceilings at Washington National Airport and contemplated future guidance on operation and development of National and Dulles Airports. Proposed action has been superseded by the metropolitan Washington Airports Act of 1986 and will be withdrawn.

Timetable:

Action	Date	FR Cite
SNPRM	07/16/84	49 FR 24626
Comment Period		
To be withdrawn	12/00/87	

Small Entity: No

Additional Information: Superseded by Metropolitan Washington Airports Act of 1986.

Analysis: Regulatory Evaluation 06/14/84

Agency Contact: Edward P. Faberman, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3773

RIN: 2120-AA89

1741. + AMEND PART 23 TO INCLUDE REQUIREMENTS FOR CRASH-RESISTANT FUEL SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA57

1742. + AIRPLANE CABIN-FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: To develop a revision to FAR 25.853 to improve fire protection for lavatories and galleys by requiring that smoke detectors and fire extinguishers, among other things, be installed. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project follows completion of Part 121 rulemaking.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120-AB22

1743. + CIVIL HELICOPTER NOISE CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 42 USC 4321 et seq. National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None.

Abstract: Would revise noise certification standards for aircraft to add provisions applicable to helicopters. These would apply to civil helicopters in the normal, transport, and restricted categories, and would provide noise-level limits and test procedures for the issuance of new and amended type certificates. It would also prohibit changes in type design of helicopters that might increase their noise levels beyond certain limits. Although this notice contains several provisions similar to those in an earlier notice, which was withdrawn in 1981, it differs from that notice in several important aspects. One is the absence of any limit on manufacture of older non-conforming types; another is the increased commonality between these proposed standards and those adopted by the International Civil Aviation Organization (ICAO).

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7878
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entity: No

Additional Information: Part 36 of the Federal Aviation Regulations (14 CFR Part 36) contains noise standards for aircraft type and airworthiness certification. As the part is currently organized, Subparts B and C and Appendices A, B, and C apply to transport category large airplane and subsonic turbojet-powered airplanes regardless of category. Appendix F contains the provisions applicable to propeller-driven light airplanes. This notice proposes to prescribe noise levels and test procedures for civil helicopters certificated in the normal, transport, and restricted categories. These proposals include rules governing the issuance of new and amended type certificates for helicopters for which application is made on and after the publication date of this notice. The proposed rule would prohibit certain growth or other design changes if those changes might result in noise levels beyond prescribed limits. The proposed rule also provides the test conditions and procedures for conducting helicopter noise tests to demonstrate compliance with the prescribed noise levels.

Analysis: Regulatory Evaluation 09/00/85; Environmental Analysis 09/00/85

Agency Contact: Richard N. Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AB33

1744. + OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec. 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash-impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash-impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/07/86

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, 817 624-5117

RIN: 2120-AB35

1745. + PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Legal Deadline: None.

Abstract: The proposed establishment or modification of prohibited airspace over these sites is one segment of a Department of Energy (DOE)

comprehensive effort to enhance the protection of vital nuclear weapons research, development, and production facilities. If established, helicopter operations at any altitude over the designated sites would be prohibited without prior DOE authorization. This rulemaking is significant because it may be controversial. A summary of written and oral comments received in response to notices and hearings was sent to the DOE February 22, 1985, for them to address. DOE is presently conducting an indepth review of security requirements at each of their sites. Results of this review will be used by DOE in making a decision to proceed with, modify, or withdraw part or all of their request for prohibited airspace.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
Public Hearings Announced	07/20/84	49 FR 29411
Extension of Comment Period	08/07/84	49 FR 31435

Next Action Undetermined

Small Entity: Yes

Agency Contact: Paul Gallant, Special Use Airspace, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9246

RIN: 2120–AB39

1746. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system. If implemented, the FAA would alter current airline scheduling through a lottery process to more evenly space arrivals and departures throughout the day. Alternatives include voluntary schedule changes by the airlines. The rule, or the alternatives, would benefit the airline industry and the public by limiting delays. This regulation is significant because of its involvement with important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24206.

Agency Contact: Edward P. Faberman, Deputy Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3773

RIN: 2120–AB42

1747. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None.

Abstract: Would revise certification and operational requirements for aircraft produced after January 1, 1988. On that date the current two stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120–AB88

1748. + ULTRALIGHT AIRCRAFT REGISTRATION AND MARKING

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421 to 1430; 49 USC 1423; 49 USC 1522; 49 USC 1655(c); 49 USC 1347; 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1432

CFR Citation: 14 CFR 1; 14 CFR 103

Legal Deadline: None.

Abstract: This action would establish registration and marking requirements for powered ultralight aircraft. These requirements are needed to enforce existing ultralight air traffic safety requirements effectively and to enable the FAA to issue important safety information to powered ultralight operators. The FAA intends that these requirements will better protect the safety of other airspace users and persons and property on the ground from unsafe powered ultralight activity.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9541

RIN: 2120–AC09

1749. + PART 23 AIRWORTHINESS REVIEW - NOTICE NO. 1 (CRASHWORTHINESS)

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This notice proposes changes to the airworthiness standards to enhance cabin safety and occupant protection by raising the level of crashworthiness for new designs of small airplanes type certificated after a certain date.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44878
NPRM Comment Period End	06/12/87	

Small Entity: No

Additional Information: This notice is the first of several planned notices resulting from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 12/12/85

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AC16

1750. + SST STAGE 3 COMPLIANCE

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise type certification standards for turbojet airplanes. This proposal would revise Part 36 so that new type certificated supersonic aircraft would be required to meet Stage 3 noise levels. Action is considered significant because of the substantial public interest which may be generated on the issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39603
ANPRM Comment Period End	02/27/87	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 25109 was open 10/30/86 through 2/27/87

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC22

1751. + LOCATION OF PASSENGER EMERGENCY EXITS IN TRANSPORT-CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: NPRM will propose to establish standards for transport category airplanes, to limit the distance a passenger seat may be from an exit, and the distance between adjacent exits. Purpose is to ensure passengers do not have to traverse excessive distances to escape the aircraft in an emergency, and to prevent U.S. carriers from deactivating the overwing exits of the Boeing 747. Escape-path distance was a major issue of the recent Emergency Evacuation Task Force. Current regulations do not limit escape-path distance. Action is significant because of substantial public interest associated with issues involving aircraft passenger safety.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Henri Branting, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9577

RIN: 2120-AC29

1752. ● + FLIGHT ATTENDANT REQUIREMENTS DURING DEPLANING AND BOARDING

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This action proposes to revise the regulation dealing with the required number of flight attendants to clarify the original intent of the regulation. The current regulations are confusing and not clearly understood. The proposed amendments would clarify the number of flight attendants required when passengers are on board an airplane, including during boarding and deplaning. The proposals would allow for a reduced number of flight attendants on board an airplane during specified periods. The proposals would specify the conditions to be met to reduce the number of flight attendants at these stops. Additionally, the proposals would allow other authorized persons to be substituted for the required flight attendants at these stops, and the proposals would clearly establish the requirements for training for those authorized persons. The FAA proposes a new rule that would clarify where the required flight attendants and other persons must be located when they are onboard the airplane.

Timetable:

Action	Date	FR Cite
NPRM	06/19/87	

Small Entity: Undetermined

Agency Contact: Lorraine Harrison, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3756

RIN: 2120-AC32

1753. ● + CONTROL OF DRUG AND ALCOHOL USE FOR PERSONNEL ENGAGED IN COMMERCIAL AND GENERAL AVIATION ACTIVITIES

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: This notice invites comments on drug and alcohol abuse by personnel in the aviation industry and the options available for regulatory or other actions in the interest of aviation safety. It is intended to gather additional information on the extent to which abuse of drugs or alcohol is impairing the performance of personnel in the aviation community, such as commercial and general aviation pilots and mechanics, and on the costs and effectiveness of various drug and alcohol countermeasures. The rulemaking will cover mandatory random testing.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/86	51 FR 44432
ANPRM Comment Period End	01/23/87	
Comment Period Extended to 02/23/87	01/23/87	52 FR 2547
NPRM	04/24/87	

Small Entity: No

Agency Contact: Dr. Robert S. Bartanowicz, Assistant Manager, Safety

Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9679

RIN: 2120-AC33

1754. ● + INSTALLATION OF TRAFFIC CONTROL AVOIDANCE SYSTEM IN DOMESTIC TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 121; 14 CFR 25

Legal Deadline: None.

Abstract: This action would propose to require that domestic transport category airplanes be equipped with a traffic collision avoidance system. To facilitate the requirements, it would also be necessary to develop a technical standard order.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	

Small Entity: Undetermined

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120-AC34

1755. ● + SINGLE-CLASS TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 71; 14 CFR 91

Legal Deadline: None.

Abstract: Proposes to establish a single-class TCA having common pilot and equipment requirements. This proposed action is consistent with determinations made by the National Airspace Review and FAA TCA Review Teams that different classifications of TCA airspace are outdated and no longer valid.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 01/21/87

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AC35

1756. ● + TERMINAL CONTROL AREA PILOT AND EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Proposes common pilot and equipment requirements for aircraft operations within terminal control areas. Proposed action is consistent with determination made by FAA TCA Review Group that all aircraft, including helicopters, operate under a single set of pilot and equipment requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 01/21/87

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AC36

1757. PART 91, SUBPART B, NATIONAL AIRSPACE REVIEW RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: The agency set up a National Airspace Review Task Group for the review of 14 CFR Part 91, Subpart B. This action will cover the recommendations made by the group.

Timetable:

Action	Date	FR Cite
NPRM	03/15/87	

Small Entity: No

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 49 USC 4321 et seq; EO 11514; 49 USC 106(g) Revised Pub L 97-449 January 12, 1983

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AA07

1758. OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Legal Deadline: None.

Abstract: Would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	

Next Action Undetermined

Small Entity: No

Additional Information: No docket number assigned

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AA09

1759. CESSNA FINANCE PETITION

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1406 Federal Aviation Act of 1958, Sec. 506; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 47

Legal Deadline: None.

Abstract: Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/77	42 FR 55891
NPRM	05/22/80	45 FR 34826

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 17311.

Analysis: Regulatory Evaluation 05/22/80

Agency Contact: Les Dunlop, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, 405 686-2284

RIN: 2120-AA15

1760. INOPERATIVE INSTRUMENTS OR EQUIPMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None.

Abstract: This notice supplements NPRM 81-14, which proposed to permit the operation of powered aircraft with certain inoperative instruments and equipment that are not essential for the safe operation of the aircraft. After further review of the comments from the public, the FAA concluded that provisions in that notice could be accomplished with less paperwork, and the concept could be further modified to conform to other pertinent regulations. This supplemental notice proposes to permit rotorcraft and nonturbine powered airplanes (for which a master minimum equipment list has not been developed), that are not being utilized in an air carrier operation, to be operated with certain inoperative instruments and equipment. Furthermore, this supplemental notice proposes to permit flight operations with certain inoperative instruments and equipment for small multiengine rotorcraft and nonturbine-powered small multiengine airplanes (for which a master minimum equipment list has been developed and that are not being utilized in an air carrier operation) the option of selecting the minimum equipment (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278
NPRM Comment Period End	01/25/82	
NPRM Supplemental (SNPRM)	09/28/87	

Small Entity: No

Additional Information: ABSTRACT CONT: list concept or complying with the provision contained in the new proposed regulations.

Analysis: Regulatory Evaluation 10/26/81

Agency Contact: John Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3841

RIN: 2120-AA19

1761. ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 624-5117

RIN: 2120-AA29

1762. STANDARDS FOR APPROVAL OF AN AUTOMATIC TAKEOFF THRUST CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This action would review certain special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated.

Timetable:

Action	Date	FR Cite
NPRM	04/27/84	49 FR 18240
Extension of Comment Period	07/20/84	49 FR 29410
NPRM Comment Period End	08/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: The special conditions included in this project are automatic take-off thrust control systems (ATTCS). Docket No. 24046.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 09/10/85

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2116

RIN: 2120-AA46

1763. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24344

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 12/03/84

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2112

RIN: 2120-AA47

1764. IMPLEMENTATION OF SAFER PROPULSION SYSTEM RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend Sec 25.975 to require fuel tank vent protection during ground fires and Sec 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24251

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2116

RIN: 2120-AA49

1765. NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise type certification standards for turbo jet powered airplanes and propeller driven small airplanes regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	50 FR 4172
NPRM Comment Period End	04/24/85	

Next Action Undetermined

Small Entity: Yes

Additional Information: Will also consider Petition for Rulemaking from the Aerospace Industries of America (Docket No. 23340; Petition Notice No. PR-82-13). Comment Period closed January 20, 1983.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/29/85; Environmental Assessment 07/00/85

Agency Contact: Richard Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AA74

1766. AIRCRAFT SIMULATOR USE IN AIRMAN TRAINING AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 135

Legal Deadline: None.

Abstract: This notice will propose to amend Part 61 to permit additional use of and establish approval criteria for aircraft simulators and training devices for airman training and certification by amending various sections of Part 61 and appendices including additional appendices for rotorcraft and helicopters and by adding a new appendix for advanced simulation criteria. Additionally, this notice will propose to permit additional usage of aircraft simulators and training devices for the pilot-in-command proficiency requirements of Part 61 for airmen operating large or multiengine turbojet-powered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Warren Kurtze, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3843

RIN: 2120-AA83

1767. TRANSPORT ROTORCRAFT STRUCTURAL FATIGUE AND DAMAGE TOLERANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: This notice proposes to change Section 29.571 governing the requirements for fatigue substantiation of transport category helicopter structure. It adds a requirement that damage tolerance criteria be used "unless shown to be impractical." The proposal is intended to obtain consistent use of state-of-the-art damage tolerant materials and design features in transport category aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	09/22/86	51 FR 33704
NPRM Comment Period End	04/03/87	51 FR 45343

Small Entity: No

Additional Information: Docket No. 23485.

Public meeting held on February 8, 1983.

Analysis: Regulatory Evaluation 09/16/85

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 624-5122

RIN: 2120-AA84

1768. NATIONAL AIRSPACE REVIEW (NAR) TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 1; 14 CFR 71; 14 CFR 91

Legal Deadline: None.

Abstract: Would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area," (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5054
ANPRM Comment Period End	06/06/85	50 FR 5054

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120-AB02

1769. BIRD IMPACT AND LIGHTNING PROTECTION FOR PROPELLERS OF COMPOSITE CONSTRUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None.

Abstract: Would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

RIN: 2120-AB05

1770. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: This action proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 11/15/85

Agency Contact: Denny Whitmire, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2119

RIN: 2120-AB17

1771. TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: This project is to solicit public comment on possible revision and clarification of transport rotorcraft performance and airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	12/31/87	

Small Entity: Undetermined

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, 817 624-5109

RIN: 2120-AB36

1772. MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 91; 14 CFR 125; 14 CFR 135

Legal Deadline: None.

Abstract: This notice will propose to amend the regulations that deal with passenger information, safe passenger egress, child restraint, and emergency equipment. The proposals would prohibit smoking at any time in any location displaying a "no smoking" sign or placard. They would require that passengers wear safety belts at any time a "fasten seatbelts" sign is turned on. They would require that the "fasten seatbelts" sign be turned on during taxi. They would clearly establish a requirement for an assisting means of egress and the stowage of passenger service equipment prior to taxi. They would make the pilot in command or, in the case of operations under Part 121, the certificate holder responsible for informing the passengers that they may be liable for a civil penalty should they fail to comply with FAA regulations. They would require that supplementary child restraint devices be accepted by a certificate holder when requested by the child's attendant.

Timetable:

Action	Date	FR Cite
NPRM	08/07/87	

Small Entity: Undetermined

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3752

RIN: 2120-AB45

1773. PRIMARY CATEGORY AIRCRAFT; POWERED ULTRALIGHT; FALSIFICATION OF APPLICATIONS, REPORTS, OR RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f)-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None.

Abstract: Action will propose to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the notice will propose simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: John McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9590

RIN: 2120-AB53

1774. POWERED ULTRALIGHTS: AIRMAN CERTIFICATION REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321

CFR Citation: 14 CFR 1; 14 CFR 61; 14 CFR 91; 14 CFR 103

Legal Deadline: None.

Abstract: Action would propose to establish airman certification requirements for persons operating powered ultralight aircraft. These mandatory certification standards are being considered because the response by ultralight operators to voluntary training programs has not been adequate. These proposed certification requirements are intended to achieve an acceptable level of safety in the operation of these aircraft.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: William Cook, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3844

RIN: 2120-AB69

1775. PART 157 REVIEW

Significance: Nonsignificant

Legal Authority: Secs 309, 313(a), 314, 72 Stat. 751.; 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None.

Abstract: Revision of FAR Part 157 to include issues relating to ultralight activities and to require notice of proposed traffic patterns and changes thereto. Pending completion of Regulatory Evaluation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert L. Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AB74

1776. PART 101 REVIEW PROGRAM

Significance: Nonsignificant

Legal Authority: Secs 307, 313(a), 402, 601, 602, 603, 902, 1110, 1302; 72 Stat 749; 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 101

Legal Deadline: None.

Abstract: This Review Program is intended to provide full public participation in matters concerning FAA evaluation of the operation of moored balloons, kites, unmanned rockets, and unmanned free balloons. Pending completion of Regulatory Evaluation. NPRM is being drafted.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Part 91 revision also required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both parts 91 and 101 with respect to balloon operations.

Agency Contact: Robert L. Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AB75

1777. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None.

Abstract: Advance notice proposed the addition of a new paragraph, FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 1724
ANPRM Comment Period End	04/29/86	
NPRM	05/15/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120-AB76

1778. EXPANSION OF APPLICABILITY OF SECTION 43.17 TO INCLUDE ANY COUNTRY WITH APPROPRIATE BILATERAL AIRWORTHINESS AGREEMENT, INCLUDING MAINTENANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None.

Abstract: The proposed amendment would revise Section 43.17 to accept the completion of maintenance, alteration or modification of an aircraft, engine, propeller, appliance, component, or part thereof, and for installation by a person authorized by the Civil Aviation Authority (CAA) of the foreign country having the Bilateral Airworthiness Agreement (BAA), which includes maintenance alteration, or modification, with the U.S., and for the import of those items into the U.S. when such work is done in accordance with the Schedule of Implementation Procedures for the BAA between the U.S. and the foreign country.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Melvin Cooper, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3803

RIN: 2120-AB89

1779. REVISED ONE-ENGINE-INOPERATIVE RATINGS FOR ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None.

Abstract: This project proposes to revise Parts 27 and 29 to set forth qualifications and performance associated with optional 30-second/2-minute one-engine-inoperative (OEI) ratings for rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	05/15/88	

Small Entity: No

Analysis: Regulatory Evaluation 11/30/87

Agency Contact: Wilbur F. Wells, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, 817 624-5123

RIN: 2120-AB90

1780. TURBINE BURST PROTECTION FOR TRANSPORT CATEGORY HELICOPTERS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: The purpose of this project is a proposal to amend Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	11/20/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/20/87

Agency Contact: Wilbur F. Wells, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, 817 624-5123

RIN: 2120-AB91

1781. CONTROLLED AIR SPACE DESIGNATIONS IN INTERNATIONAL AIR SPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None.

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Evaluation 07/00/85 (50 FR 30798)

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120-AB93

1782. AIRSPACE RECLASSIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 14 CFR 11.45; 14 CFR 11.65

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75; 14 CFR 91; 14 CFR 103; 14 CFR 105; 14 CFR 1

Legal Deadline: None.

Abstract: Users organizations recommended, under the National Airspace Review, to redesign the airspace system to a more simple system similar to the systems in place in Canada and proposed under ICAO recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket number 24456

Analysis: Regulatory Evaluation 01/01/86

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120-AB95

1783. TERMINAL CONTROL AREA (TCA) SAN DIEGO (MODIFICATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510

CFR Citation: 49 CFR 71

Legal Deadline: None.

Abstract: Terminal Control Areas (TCA) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	02/26/86	51 FR 07448
NPRM Comment Period End	05/05/86	

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AB98

1784. TRANSPONDER REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: This proposal would require aircraft to have an operating transponder when operating into, within, or out of the United States through coastal air defense identification zones (ADIZ).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Burton Chandler, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9252

RIN: 2120-AB99

1785. CHANGES REQUIRING A NEW TYPE CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857f-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This notice would propose to amend the Federal Aviation Regulations to permit certain aircraft product changes to be accomplished under amended type certification or supplemental type certification procedure in lieu of applying for a new type certificate. The granting of several exemptions emphasized the need for a review of established criteria mandating an application for a new type certificate. The availability of advanced, high performance, light-weight engines and superior

replacement systems requires this rule change for the upgrading of older seasoned designs to increase safety, utility, performance, and reliability, and reduce operational cost. The rule remains unchanged for aircraft product modifications which are so extensive that a substantially complete investigation of compliance is required.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Nick Dobi, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9568

RIN: 2120-AC05

1786. PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 1485; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None.

Abstract: The FAA proposes to update and clarify the certification and operations specifications requirements for persons who operate aircraft for compensation or hire by (1) codifying the Special Federal Aviation Regulation pertaining to the certification requirements and (2) consolidating into one part the certification and operations specifications requirements for persons who operate under Part 121 or Part 135. The proposal responds to the termination of the Civil Aeronautics Board (CAB) and to changes in the air transportation industry since the Airline Deregulation Act of 1978. The proposal would provide a guide enabling persons who operate aircraft for compensation or hire to determine the certification and operations requirements with which they must comply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3748

RIN: 2120-AC08

1787. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 5 (EQUIPMENT, SYSTEMS, AND INSTALLATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This proposed amendment to Part 23 would allow certification of small airplanes with systems critical to safe flight that are not now approved without special conditions, exemptions, or equivalent safety findings.

Timetable:

Action	Date	FR Cite
NPRM	04/24/87	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 02/04/86

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AC14

1788. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 2

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This notice will propose design requirements applicable to advancements in technology being incorporated into current designs, reducing the hazards from bird strike, allowing certification of spin resistant airplanes, reducing the regulatory burden in showing compliance with some requirements, and providing requirements for new technology that is being utilized in the development of small airplanes.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 01/30/87

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AC15

1789. PART 150 - AIRPORT NOISE-COMPATIBILITY PLANNING

Significance: Nonsignificant

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 49 USC 2101 to 2104(b); 49 USC 1.47(m); 49 USC 2201 et seq.

CFR Citation: 14 CFR 150

Legal Deadline: None.

Abstract: Part 150 of the Federal Aviation Regulations prescribes requirements for airport operators who voluntarily choose to submit compatibility planning programs to the FAA. Operators of airports whose maps and programs have been accepted by the FAA as meeting the Part 150 standards are then eligible to apply for funding noise-control projects under the Airport Improvement Program and are further afforded certain legal rights under the law. The current rule includes heliports that are located on public-use airports; the proposed rule would extend coverage to free-standing public-use heliports.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Analysis: Economic Assessment 08/15/84

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800

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DOT—FAA **Proposed Rule Stage**

Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC19

1790. ROTORCRAFT CERTIFICATION REQUIREMENTS COORDINATION WITH EUROPEAN AIRWORTHINESS AUTHORITIES STEERING COMMITTEE (AASC)

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29; 14 CFR 27

Legal Deadline: None.

Abstract: Rotorcraft manufacturers and foreign airworthiness authorities would like one set of standards to reduce cost of airworthiness certifications. Many countries now use FAR Parts 27 and 29, with some national differences, as their standards.

Timetable:

Action	Date	FR Cite
NPRM	02/01/88	

Small Entity: Undetermined

Agency Contact: R. W. Weaver, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, 817 624-5122

RIN: 2120-AC27

1791. ● SECURITY CONTROL OF AIR TRAFFIC

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: North American Air Defense modernization requires realignment of the Air Defense Identification Zones to bring them in line with planned coverage and current capabilities.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	06/15/87	

Small Entity: Undetermined

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AC37

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA) **Final Rule Stage**

1792. + UPDATE OF PART 139

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1432 Federal Aviation Act of 1958, Sec. 612

CFR Citation: 14 CFR 139

Legal Deadline: None.

Abstract: Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting, rescue, and airport fueling operation requirements. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/23/85	50 FR 43094
NPRM Comment Period End	01/21/86	
Final Action	04/15/87	

Small Entity: Yes

Additional Information: This project was initiated on June 25, 1975, in response to a GAO evaluation of the FAA's Airport Certification Program and the result it has on improving the safety of airports. Recent delays have occurred due to industry concerns over aviation fueling responsibilities. FAA has reviewed proposals presented by a group of aviation organizations and changes have been made to the NPRM. The NPRM was published in the Federal Register on October 23, 1985. The comment period closed on January 21, 1986.

Agency Contact: Jose Roman, Jr., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8724

RIN: 2120-AA10

1793. + CARRY-ON BAGGAGE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This proposed regulation would enhance safety aboard aircraft by ensuring that all baggage brought aboard can be and is safely stored. This proposal was prompted by a petition from the Association of Flight Attendants.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19134
NPRM Comment Period End	07/28/86	
Final Action	06/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Roger Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3750

RIN: 2120-AC06

1794. + CERTIFICATION OF RECREATIONAL PILOTS AND ANNUAL FLIGHT REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None.

Abstract: This final rule would establish a recreational pilot certificate

which would allow a student pilot to receive certification to fly certain aircraft after fewer hours of training than are currently required of a private pilot applicant. The recreational pilot certificate is intended to be a low-cost alternative to a private pilot certificate for persons interested in flying basic, experimental, or homebuilt aircraft in close proximity to a home airport that is not in airspace in which communication with an air traffic control facility is required. The rule would also establish an annual flight review requirement for noninstrument-rated private pilots with fewer than 400 flight hours.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	
NPRM Comment Period End	09/24/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: Docket No. 24695

Agency Contact: Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3844

RIN: 2120-AA54

1795. + PROTECTIVE BREATHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This rule would amend the regulations applicable to PBE by; (1) incorporating the requirements of Section 25.1439 into current Section 121.337, (2) providing new standards for PBE for crewmembers that may fight smoke or fire in the airplane while in flight, (3) requiring the performance of an approved firefighting drill using PBE; (4) requiring that additional PBE be located within 3 feet of each required band fire extinguisher in passenger compartments when possible; and (5) clarifying certain recommendations of the NTSB, which found during an accident investigation that smoke goggles used by several air carriers did not adequately protect the flight crew and that some goggles restricted the user's vision.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	
NPRM Comment Period End	02/10/86	50 FR 41452
Final Action	00/00/00	

Small Entity: Yes

Additional Information: Docket No. 24792

Analysis: Regulatory Flexibility Analysis

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120-AB32

1796. + PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER-DRIVEN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None.

Abstract: Would revise noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This proposal would revise test procedures applicable to noise certification tests conducted on or after January 1, 1988. It would also revise the noise-level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals result from industry requests for certification to be more directly based upon typical inservice noise measurements and from studies conducted in several nations over a three-year period under the auspices of the International Civil Aviation Organization. In addition, the FAA proposes to exempt antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/14/86	51 FR 25500
NPRM Comment Period End	10/09/86	
Final Action	09/00/87	

Small Entity: No

Analysis: Draft Regulatory Evaluation 10/00/86

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AB47

1797. + CHARGES FOR USE OF METROPOLITAN WASHINGTON AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433; PL 99-500, Sec 6005(c)(10)

CFR Citation: 14 CFR 159.181 to 185

Legal Deadline: Statutory, June 1, 1987. P.L. 99-500 Sec. 6005(c)(10) requires new fees to be in place on date of airport transfer.

Abstract: Proposed revision to reflect changed costs of operating the airports. Rulemaking is required to revise fees in accordance with P.L. 99-500 Sec. 6005(c)(10) and contractual obligations.

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	52 FR 8040

Next Action Undetermined

Small Entity: No

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AB48

1798. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date, regardless of the date of application for type certificate.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19140
NPRM Comment Period End	11/24/86	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24995

Analysis: Regulatory Evaluation 05/27/86

Agency Contact: Robert Hall, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2143

RIN: 2120-AB77

1799. REVIEW: CARRIAGE OF WEAPONS AND OTHER DANGEROUS OBJECTS AT WASHINGTON NATIONAL AIRPORT AND WASHINGTON DULLES INTERNATIONAL AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 2401; 49 USC 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159.79

Legal Deadline: None.

Abstract: Amendment to clarify existing rules governing the carriage of weapons and other dangerous objects on Washington National Airport and Dulles International Airport so that rule more closely conforms to regulations governing aviation security and to existing local ordinances. The change would make it easier for the public to comply with airports' rules without compromising airport security.

Timetable:

Action	Date	FR Cite
NPRM	11/13/86	51 FR 41290
NPRM Comment Period End	01/12/87	

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Edward S. Faggen or Jana E. McIntyre, Legal Counsel, Attorney, Department of Transportation, Federal Aviation Administration, Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AC01

1800. REVISION OF PART 91

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291 (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	
Final Action	07/23/87	

Small Entity: No

Additional Information: Docket No. 18334.

Analysis: Regulatory Evaluation 09/10/81

Agency Contact: Marion Clemens, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3843

RIN: 2120-AA13

1801. ROTORCRAFT REGULATORY REVIEW PROGRAM AMENDMENT NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 1; 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None.

Abstract: This amendment changes Parts 1, 27, 29, and 33 in the area of propulsion system requirements. New rules or changes to rules are included in the area of engine ratings, detailed combustion heater requirements, lightning protection, system tests, and oil requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46670
NPRM Comment Period End	03/26/85	
Final Action	09/15/87	

Small Entity: No

Analysis: Regulatory Evaluation 11/27/84

Agency Contact: Wilbur Wells, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 624-5123

RIN: 2120-AA28

1802. FOREIGN AIR CARRIERS AND OPERATORS OF CERTAIN LARGE U.S.- REGISTERED AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: None.

Abstract: This document proposes changes in regulations pertaining to (1) U.S. registered aircraft operated by foreign persons in common carriage and (2) certain large U.S.-registered airplanes not operated in common carriage.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50588
NPRM Comment Period End	04/10/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: Docket No. 24856

Agency Contact: Lawrence P. Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3748

RIN: 2120-AA42

1803. AMEND PART 23 TO INCLUDE EMPENNAGE FATIGUE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing.

Timetable:

Action	Date	FR Cite
NPRM	09/22/86	51 FR 33700
NPRM Comment Period End	01/21/87	

Next Action Undetermined

Small Entity: No

Additional Information: The FAA is evaluating additional data obtained from NASA.

Analysis: Regulatory Evaluation 02/18/86 (51 FR 33700)

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA58

1804. NIGHTTIME VFR WEATHER MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Would standardize weather minimums in all airspace at night.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124
Final Action	04/00/87	

Small Entity: No

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 48 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 42 USC 4321 et seq; EO 11514 49 USC 106(a) Revised Pub L 97-449 January 12, 1983

Agency Contact: Burton Chandler, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9252

RIN: 2120-AB04

1805. AIRWORTHINESS STANDARDS; AIRCRAFT ENGINE, ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None.

Abstract: Would add a new section, FAR 33.28 to incorporate requirements for electronic controls for aircraft engines.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	
Final Action	05/15/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/14/85

Agency Contact: H. Alden Jackson, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7078

RIN: 2120-AB06

1806. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project proposes to revise Appendix B of Parts 27 and 29 to permit IFR operations at airspeeds below the normal minimum instrument airspeed during approach and landing.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 21488
NPRM Comment Period End	04/03/87	51 FR 45343

Next Action Undetermined

Small Entity: No

Additional Information: The FAA has determined that adoption of this proposal will not result in an econcmic burden on the public. It is a relieving rule that removes a minimum speed

DOT—FAA

Final Rule Stage

limitation when certain optional performance standards are met.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, 817 624-5109

RIN: 2120-AB87

1807. FLIGHT PLAN AND TRANSPONDER REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: The proposal would require that all civil aircraft operating into, within, or out of the United States through a coastal air defense identification zone be operated under a filed flight plan regardless of true airspeed. Each such operation by an aircraft equipped with a functioning air traffic control (ATC) transponder would have to be conducted with that transponder on and replying on the appropriate code or on a code assigned by ATC.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 37882
NPRM Comment Period End	12/23/86	

Next Action Undetermined

Small Entity: No

Additional Information: Docket Number 25099

Affected Sectors: Multiple

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AC00

1808. PREFLIGHT ASSEMBLY OF GLIDERS AND BALLOONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 61; 14 CFR 91

Legal Deadline: None.

Abstract: The purpose of these amendments is to discontinue classifying glider and balloon assembly as preventive maintenance, except in certain circumstances; add training requirements for pilots in preflight assembly of gliders and balloons, and add preflight assembly and post assembly inspections to the preflight responsibilities for glider and balloon pilots. The amendments are needed to ensure the continued assignment of responsibilities for preflight assembly and inspection of gliders and balloons while simultaneously reducing the recording burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21722
Final Action	05/03/87	

Small Entity: No

Analysis: Regulatory Evaluation 05/00/86 (51 FR 21722)

Agency Contact: George Johnson, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3798

RIN: 2120-AC10

1809. AIRCRAFT IDENTIFICATION AND RETENTION OF FUEL SYSTEM MODIFICATION RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 91

Legal Deadline: None.

Abstract: The FAA proposes to require: (1) that 12-inch high nationality and registration marks (N-numbers) be displayed on aircraft that penetrate an Air Defense Identification Zone (ADIZ) or a Defense Early Warning Identification Zone (DEWIZ); (2) that a civil aircraft identification (ID) plate be displayed in a visible area on the exterior of an aircraft near the right rear-most entrance; and (3) that a copy of the FAA Form 337 for the installation of a temporary extended range fuel system be obtained and kept in the aircraft by the owner or operator until the system is removed. The U.S. Customs Service has requested the FAA to consider amending these regulations to assist in identifying aircraft suspected of being involved in drug trafficking.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25174
NPRM Comment Period End	09/09/86	
Final Action	09/18/87	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/86 (51 FR 25174)

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9541

RIN: 2120-AC11

1810. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 05/00/87 - 05/00/88.

Timetable:

Action	Date	FR Cite
Final Action	05/00/88	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120-AA63

1811. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

DOT—FAA

Final Rule Stage

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--300. 10/00/86 - 10/00/87

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9580

RIN: 2120-AA64

1812. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 601; 49 USC 1421 F.A. Act, Sec. 313(a); 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 05/00/87 - 05/00/88.

Timetable:

Action	Date	FR Cite
Final Action	05/00/88	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120-AA65

1813. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--525. 10/00/86 - 10/00/87.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: John Watterson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120-AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

1814. + PARTS MANUFACTURER APPROVALS

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 21; 14 CFR 45

Legal Deadline: None.

Abstract: Since its inception, the PMA program has been controversial, and that controversy was underscored by several attempts by FAA to change the regulations. Public comment to previous NPRM's suggested FAA disparity in applying PMA rules and confusion among aviation industry members and other Federal agencies concerning both the PMA process as it existed and FAA's proposed changes. The agency withdrew its proposals and issued a contract to study all aspects of the controversy and suggest alternatives for future rulemaking. The contractor's report titled "Parts Manufacturer Approval Program Evaluation, Phase I Report" proposes (1) standardizing PMA procedures with or without rulemaking, (2) formalizing the data comparison approval method, (3) pursuing property right legislation for certain data, (4) deregulating aircraft replacement parts, or (5) delegating certain approval aspects back to industry. Regulatory Flexibility Act and Executive Order 12291 analyses are being done as part of Phase II of the contract.

Timetable:

Action	Date	FR Cite
NPRM	12/23/75	42 FR 43985
NPRM Second	01/15/81	46 FR 3775
Withdrawn	10/12/84	49 FR 40154

Small Entity: Yes

Additional Information: Docket No. 17147. This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). NPRM's 77-19 through 77-19D withdrawn October 12, 1984 (49 FR 40154). Phase I Report available to the public January 15, 1985 (50 FR 6303). Phase II of the contract initiated May 1985 to prepare Regulatory Flexibility Act and other analyses required to pursue future NPRM.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Thomas McSweeny, Department of Transportation, Federa Aviation Administration, 800

Independence Ave., SW, Washington, DC 20591, 202 267-9580

RIN: 2120-AA00

1815. + FLIGHT RECORDERS AND COCKPIT VOICE RECORDERS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 125

Legal Deadline: None.

Abstract: This action changes the regulations to expand the minimum flight data recorder (FDR) requirements for existing and newly manufactured pre-1969 type certificated aircraft operating under Part 121. This action also amends Part 135 to require cockpit voice recorders (CVR) on multi-engine-powered, fixed-wing aircraft manufactured after a certain date if the aircraft requires two pilots and is certificated to carry six or more passengers. This is in response to an NTSB recommendation.

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	50 FR 949
Notice Reopening Comment Period	04/18/85	50 FR 15528
NPRM Comment Period End	06/03/85	50 FR 15528
Final Action	03/25/87	52 FR 9622
Final Action Effective	05/26/87	

Small Entity: No

Additional Information: Docket No. 24418

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120-AA95

1816. + ADVANCED V/STOL ROTORCRAFT STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 00, (New)

Legal Deadline: None.

Abstract: This proposed action would have added a new part to FAR to establish airworthiness standards for advanced V/STOL rotocraft. It was determined that draft interim standards would adequately serve, pending further development of advanced-design rotorcraft.

Timetable:

Action	Date	FR Cite
Action Terminated	08/21/86	

Small Entity: No

Agency Contact: Jim Honaker, Department of Transportation, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, 817 624-5109

RIN: 2120-AB25

1817. + MODE S TRANSPONDER

Significance: Agency Priority

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1353 Federal Aviation Act of 1958, Sec. 312; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 135

Legal Deadline: None.

Abstract: Proposes use of Mode S transponder within terminal control areas and generally above 12,500 feet MSL. Also proposes that ATCRBS transponder may be used in those airspace areas. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/83	48 FR 48364
NPRM	09/17/85	
NPRM Comment Period End	12/16/85	50 FR 37674
Final Action	02/03/87	52 FR 3380
Final Action Effective	04/06/87	

Small Entity: Undetermined

Additional Information: Docket No. 23799. Mode S is considered to be the key airborne link to the new automated National Airspace System. It will also figure as a key component in data-linking information between air and ground.

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37674)

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AB03

1818. METROPOLITAN WASHINGTON AIRPORTS REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159

Legal Deadline: None.

Abstract: Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports.

Timetable:

Action	Date	FR Cite
Action terminated	10/18/86	

Small Entity: No

Additional Information: Legislation transferring Metropolitan Washington Airports to new regional nonfederal Airport Authority became law on October 18, 1986. Regulations to be transferred to new Metropolitan Washington Airports Authority.

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AA12

1819. RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS - NOTICE OF LIEN

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 49

Legal Deadline: None.

Abstract: Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would have

required release of the Notice filed upon satisfaction of the lien. It was withdrawn to avoid conflict with any future proposals regarding the recording of instruments affecting interests in aircraft.

Timetable:

Action	Date	FR Cite
NPRM	01/13/75	40 FR 2445
Withdrawn	12/08/86	51 FR 44072

Small Entity: No

Additional Information: Docket No. 14236.

Agency Contact: Les Dunlop, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, 405 686-2284

RIN: 2120-AA14

1820. ROTORCRAFT REVIEW NOTICE NO. 5-OPERATIONS AND MAINTENANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1341 Federal Aviation Act of 1958, Sec. 301; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 133; 14 CFR 135

Legal Deadline: None.

Abstract: This rule amends and updates the operations and maintenance requirements pertaining to rotorcraft and establishes a new Class D rotorcraft-load combination. The amendments affect certain sections of Parts 1, 43, 45, 61, 133, and 135 of the Federal Aviation Regulations that apply to rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 10144
NPRM Comment Period End	07/10/85	50 FR 10144
Final Action	11/07/86	51 FR 40692
Final Action Effective	01/06/87	

Small Entity: No

Additional Information: Docket No. 24550

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Marion Clemens, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3843

RIN: 2120-AA30

1821. REGULATION OF MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE AT WASHINGTON NATIONAL AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 49 CFR 159.2; 49 CFR 159.4

Legal Deadline: None.

Abstract: Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permits.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/83	48 FR 19838
See Additional Information	10/18/86	

Small Entity: Yes

Additional Information: Airports Authority Legislation transferring Metropolitan Washington Airports to new regional, nonfederal Airport Authority passed on October 18, 1986. Regulation to be transferred to new Metropolitan Washington Airports Authority.

Analysis: Regulatory Evaluation

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AA62

1822. HIGH DENSITY AIRPORT TRAFFIC RULE

Significance: Nonsignificant

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: Proposal would have modified or eliminated hourly limits on operations at John F. Kennedy, La Guardia, and Chicago O'Hare Airports. Proposal was considered significant because of the public interest likely to be generated. Final rule provided that high-density-rule slots could be bought or sold. The rule was further refined in a June 13, 1986, amendment (51 FR 21708). Agency position is that the high-density rule remains necessary to reduce congestion and delay.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13434
Interim Final Rule	03/06/84	49 FR 8237
Final Action	12/16/85	50 FR 52180

Small Entity: No

Additional Information: Docket No. 22471.

Analysis: Regulatory Evaluation 03/31/83

Agency Contact: Dave Bennett, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3491

RIN: 2120-AA72

1823. REVISE PART 23 TO INCLUDE COMMUTER CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action amends Part 23 to include airworthiness standards for multi-engine airplanes having a maximum passenger seating configuration, excluding any pilot seat, of 19 seats, and with a maximum takeoff weight of up to 19,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 52010
Final Action	01/15/87	52 FR 1806

Small Entity: No

Additional Information: Docket No. 23516.

Analysis: Regulatory Evaluation 11/15/83

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA77

1824. FAR 23.49(B) STALL SPEEDS FOR SINGLE-ENGINE AND MULTI-ENGINE AIRPLANES OF 6,000 LBS. OR LESS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 F.A. Act, Sec. 313; 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would relieve the current 61-knot stall speed requirements of Part 23 by either deleting the requirement or specifying an alternative requirement.

Timetable:

Action	Date	FR Cite
Action terminated	02/05/87	

Small Entity: Yes

Additional Information: A new generation of turbo-powered, single-engine airplanes is being developed whose operating efficiency and performance will be greatly reduced if they are required to meet the current stall speed requirements. The object of this rulemaking activity is to permit design and certification of higher performance, single-engine airplanes that may achieve higher cruise speeds with better specific fuel consumption by increasing wing loading.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/30/85

Agency Contact: Earsa Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA92

1825. APPENDIX G, CONTINUOUS TURBULENCE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This proposal would have reviewed Appendix G (Continuous Gust Design).

Timetable:

Action	Date	FR Cite
Project terminated	06/27/86	

Small Entity: No

Additional Information: JAR-25 is a document developed jointly and accepted by the airworthiness authorities of various European countries for type certification of large airplanes. JAR-25 is based on FAR Part 25; however, there are certain specified differences in the requirements of the two documents. The original intent of this rulemaking project was to resolve differences between FAR and JAR requirements. However, the JAR Study Group is now proposing changes to the JAR which will bring those requirements more in line with the FAR, thereby eliminating the need for this rulemaking. Regional decision made to cancel project.

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2120

RIN: 2120-AB20

1826. TYPE CERTIFICATION PROCEDURES - SPECIAL CLASSES OF AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This amendment will revise Part 21 to the FAR to provide procedures for the type certification of special classes of aircraft. Special classes of aircraft include gliders (including self-launching gliders), airships, and other kinds of aircraft that would be eligible for a standard airworthiness certificate but for which no airworthiness standards have as yet been established as a separate part of subchapter C of the FAR. An example of such standards are those designated by advisory circular (AC) 21.23-1 for the type certification of fixed-wing gliders under Section 21.23. This amendment broadens the concept presently applied to gliders to include airships and nonconventional aircraft as the need may arise.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42368
NPRM Comment Period End	12/17/85	
Final Action	03/13/87	52 FR 8040

Small Entity: Undetermined

Additional Information: Docket No. 24804

Analysis: Regulatory Evaluation

Agency Contact: Lou Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9597

RIN: 2120-AB44

1827. DEALER'S AIRCRAFT REGISTRATION CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501

CFR Citation: 14 CFR 47

Legal Deadline: None.

Abstract: Proposed amendment to expand eligibility for obtaining a Dealer's Registration Certificate to resident aliens and certain non-citizen corporations.

Timetable:

Action	Date	FR Cite
Action terminated	02/04/87	

Small Entity: Undetermined

Agency Contact: Julie A. Stanford, Aircraft Regulation Specialist, Department of Transportation, Federal

Aviation Administration, P.O. Box 25724, Oklahoma City, OK 73125, 405 686-2284

RIN: 2120-AB49

1828. HELICOPTER MINIMUM FLIGHTCREW

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project proposed to revise Parts 27 and 29 to require a minimum of two pilots if the power control(s) (throttles) are not a part of the collective control.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48786
ANPRM Comment Period End	06/06/86	
Withdrawn	01/15/87	52 FR 1635

Small Entity: No

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, 817 624-5109

RIN: 2120-AB86

1829. SPECIAL FLIGHT AUTHORIZATION FOR NOISE-RESTRICTED AIRCRAFT - SFAR 47

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 106(g); PL 97-449; PL 96-193

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Extended SFAR 47 for one year until December 31, 1987 and reduced the purposes for which a special flight authorization may be issued.

Timetable:

Action	Date	FR Cite
Final Action	12/31/86	51 FR 47219
Final Action Effective	01/01/87	

Small Entity: No

Analysis: Environmental Assessment 06/26/86

Agency Contact: Richard Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC21

1830. ● IFR ALTITUDES

Significance: Nonsignificant

Legal Authority: None

CFR Citation: 14 CFR 95

Legal Deadline: None.

Abstract: This part prescribes altitudes governing the operation of aircraft under IFR on Federal airways, jet routes, area navigation low or high routes, or other direct routes for which a MEA is designated in this part. In addition, it designates mountainous areas and changeover points.

Timetable:

Action	Date	FR Cite
End Review	10/00/86	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 95 has a significant economic impact on a substantial number of small entities.

Agency Contact: John S. Kern, Director of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AC31

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Prerule Stage

1831. ● + TRUCK SIZE AND WEIGHT; REASONABLE ACCESS

Significance: Regulatory Program

Legal Authority: 49 USC 2311(d); 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is requesting information and comments on the existing FHWA regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface Transportation Assistance Act of 1982 (STAA). This action has been initiated in response to a petition filed by the National Industrial Transportation League (NITL).

Timetable:

Action	Date	FR Cite
ANPRM	01/05/87	52 FR 298
ANPRM Comment Period End	05/05/87	52 FR 298
NPRM	12/00/87	

Small Entity: No

Additional Information: A 120 day public comment period will be provided for the ANPRM.

Analysis: Reg. Evaluation 12/00/87

Agency Contact: David C. Oliver, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1354

RIN: 2125-AB70

1832. ● + BLOOD ALCOHOL CONCENTRATION STANDARD FOR COMMERCIAL VEHICLE OPERATORS

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12008; 49 USC App. 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: Statutory, October 27, 1988.

Abstract: The FHWA is requesting comments from interested parties concerning the establishment of a commercial driver blood alcohol

DOT—FHWA **Prerule Stage**

concentration (BAC) standard. This action is in response to Congress' enactment of the Commercial Motor Vehicle Safety Act of 1986 (Act). Section 12006 of the Act calls for the National Academy of Sciences (NAS) to conduct a study of the appropriateness of selecting one of several alternative BAC levels as the level at which a person operating a commercial motor vehicle would be deemed to be driving under the influence of alcohol. Based on the results of the study and the rulemaking comments, the Secretary of Transportation must promulgate a commercial driver BAC standard. States would be required to enact laws providing that any driver who operates a commercial motor vehicle at the Federal BAC level or above it is deemed to be driving under the influence of alcohol. States not enacting a BAC-level law for commercial motor vehicle drivers risk the loss of Federal-aid highway funds. The comments received will be made available to the NAS and will serve as the docket comments, along with the NAS study for a future Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9192
ANPRM Comment Period End	05/22/87	

Small Entity: No

Analysis: Reg. Evaluation 02/00/88

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB79

1833. HIGHWAY BEAUTIFICATION: OUTDOOR ADVERTISING: TECHNICAL AMENDMENT

Significance: Nonsignificant

Legal Authority: 23 USC 131; 23 USC 315

CFR Citation: 23 CFR 750

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulations in order to clarify existing FHWA policy that temporary political campaign signs and other signs, displays, and devices associated with Federal, State, or local elections may be permitted without violating the Highway Beautification Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 00/00/00

Agency Contact: Edward V. A. Kussy, Department of Transportation, Federal Highway Administration, 700 Seventh Street, SW, Washington, DC 20590, 202 366-0791

RIN: 2125-AB32

1834. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; RESTRUCTURE

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: The FHWA is considering the need for a new Manual on Uniform Traffic Control Devices (MUTCD) and a new format. The MUTCD is incorporated by reference in 23 CFR Part 655, Subpart F and is recognized as the national standard for traffic control devices on all public roads. The FHWA is interested in possible ways to simplify, clarify, or expedite the present format and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/09/86	51 FR 20840
ANPRM Comment Period End	07/20/87	51 FR 20840
ANPRM Extend Comment Period to	09/01/87	52 FR 11502
NPRM	10/00/87	

Small Entity: No

Additional Information: An extensive public comment period has been provided and will not terminate until July 20, 1987.

Analysis: Reg. Evaluation 10/00/87

Agency Contact: Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2184

RIN: 2125-AB57

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Proposed Rule Stage

1835. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390

Legal Deadline: None.

Abstract: This rulemaking action will address the general provisions regarding the Motor Carrier Safety Regulations (FMCSR) contained in Part 390 of 49 CFR. This rulemaking is being undertaken to implement section 206 of the Motor Carrier Safety Act (MCSA) of 1984 which mandated the reissuance of the FMCSR. Part 390 deals with motor carrier definitions and general provisions regarding motor carrier operations. This entry appeared in the April 1985 Regulatory Agenda under "Retail Fertilizer Distribution Exemption." Pursuant to section 206 of the MCSA, the ANPRM on retail fertilizer distribution exemption (2/10/82, 47 FR 5273) was withdrawn on 1/23/85 (50 FR 2998). This rulemaking action will incorporate the comments made to the 2/10/82 ANPRM since the provisions relating to exemptions for retail fertilizer equipment are contained in Part 390.

Timetable:

Action	Date	FR Cite
ANPRM Fertilizer	02/10/82	47 FR 5273
ANPRM	01/23/85	50 FR 2998
Fertilizer ANPRM Withdrawn	01/23/85	50 FR 2998

Action	Date	FR Cite
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	04/00/87	
Final Action	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation 04/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA34

1836. + QUALIFICATION OF DRIVERS; DRUGS; POST-ACCIDENT TESTING

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 23 USC 315

CFR Citation: 49 CFR 391

Legal Deadline: None.

Abstract: The FHWA is requesting comments on a proposal to amend the Federal Motor Carrier Safety Regulations (FMCSR) to make commercial motor vehicle drivers subject to alcohol and drug testing following involvement in a fatal accident, and to make the drug abuse regulations applicable to certain nondriving motor carrier personnel. Prior to this supplemental advance notice of proposed rulemaking (SANPRM), the FHWA issued a combined final rule and advance notice of proposed rulemaking (ANPRM) 51 FR 17568; May 13, 1986). The ANPRM requested comments and information on the following questions: (1) should drug screening for drivers be mandated or be a recommended industry practice; (2) should the prohibited nonalcoholic drugs list include all controlled substances on the Drug Enforcement Administration's Schedules of Controlled Substances; and (3) should confirmatory drug testing be mandated. This SANPRM gives notice that the FHWA is broadening the scope of its anti-drug proposal affecting all interstate or foreign commercial drivers. A single notice of proposed rulemaking will be published on this subject after the responses (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/27/82	47 FR 42383
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM	05/13/86	51 FR 17568
Extension Notice	07/08/86	51 FR 24722
ANPRM Comment Period End	08/11/86	51 FR 17568
NPRM	12/00/87	
Extension Notice	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: received to the May 13 ANPRM and this SANPRM have been fully considered.

Analysis: Reg. Evaluation 12/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2987

RIN: 2125-AA79

1837. + INSPECTION, REPAIR, AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 210; PL 98-554, Sec 204; 23 USC 315

CFR Citation: 49 CFR 396; 49 CFR 390; 48 CFR 393

Legal Deadline: None.

Abstract: The FHWA is seeking public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This action is required by section 210 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to comply with Federal inspection standards, a State inspection program or an authorized self-inspection program. The FHWA also proposes to add two definitions contained in section 204 of the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/24/85	
NPRM	02/26/87	52 FR 5913
NPRM Comment Period End	04/27/87	52 FR 5913
Final Action	02/00/88	

Small Entity: No

Additional Information: The NPRM will propose revisions after having fully taken into account the public comments received to the ANPRM (01/10/85, 50 FR 1245). The 1/10/85 ANPRM also solicited comments on the provisions relating to the parts and accessories necessary for the safe operation of commercial motor vehicles. This section (parts and accessories) and comments made thereto will be the subject of a separate rulemaking action. See "Proposed Rule Stage" portion of agenda.

Analysis: Regulatory Evaluation 02/26/87 (52 FR 5913)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB34

1838. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390 to 399

Legal Deadline: Statutory, April 30, 1986.

Abstract: Section 206 of the Motor Carrier Act of 1984 (Pub. L 98-554) (the Act) directs the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle safety. The Department has issued regulations, the Federal Motor Carrier Safety Regulations (FMCSR), on this subject under earlier authority (49 U.S.C. 3102). The purpose of this advance notice of proposed rulemaking (ANPRM) is to identify and solicit comment on specific changes which should be made to the FMCSR prior to reissuance in order to effectuate the purposes of the Act. The purposes of the Act are to ensure that: commercial motor vehicles are safely maintained, equipped, loaded and operated; the responsibilities of drivers do not impair their ability to drive safely; the physical condition of drivers is adequate to enable them to drive safely; and the operation of the vehicles does not have

deleterious effects on drivers. This rulemaking will be a comprehensive effort, and thus the Agency will incorporate certain other regulatory actions which have been proposed but have not yet been completed. There is no alternative to the overall reissuance of the FMCSR. However, (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	

Next Action Undetermined

Small Entity: No

Additional Information: (ABSTRACT CONT:) the agency intends to propose specific changes to the FMCSR which will then be fully analyzed, including a full range of alternatives to each proposal. Similarly, potential costs and benefits cannot now be identified, but rather must await the development of a notice of proposed rulemaking. This rulemaking is significant because of substantial public interest. Due to the amount of subject matter which this rulemaking action addresses, each Part (390-399) will be addressed in separate rulemakings. Comments received in response to this action will be considered as appropriate regarding the separate rulemaking actions. See "Proposed Rule Stage" and "Final Rule Stage" portions of the agenda for actions resulting from this entry.

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB35

1839. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 110

CFR Citation: 49 CFR 393

Legal Deadline: None.

Abstract: This rulemaking action responds to section 210 of the Motor Carrier Safety Act of 1984. Section 210 requires the Department to open Part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), which concerns the parts and accessories necessary for the safe operation of commercial motor vehicles for public comment and review. In essence, Part 393 is the basis for the vehicle inspection currently performed on vehicles operated by motor carriers subject to the jurisdiction of the DOT. Public comment has been requested pursuant to an ANPRM 01/10/85.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	02/26/87	52 FR 5892
NPRM Comment Period End	04/27/87	52 FR 5892
Final Action	01/00/88	

Small Entity: No

Additional Information: For the rulemaking action specifically addressing 49 CFR 393.42 (Front Wheel Brakes), see the entry entitled "Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes," in the "Final Rule Stage" portion of the agenda, RIN 2125-AB63.

Analysis: Reg. Evaluation 02/26/87 (52 FR 5892)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB45

1840. + EMPLOYEE SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 399

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is considering proposing to revise Part 399 of the Federal Motor Carrier Safety Regulations (FMCSR) to implement Section 206 of the Motor Carrier Safety Act of 1984. This proposal would establish the duties of employers and drivers regarding employee safety and health. A motor carrier would be responsible for furnishing to each driver a place of employment that is free from recognized hazards that cause or are likely to cause death or injury to drivers. A driver would be responsible for cooperating with a motor carrier's safety program. It is anticipated that this general duty rule will cover those aspects of the driver environment (such as hot surfaces, lack of insulation, and broken equipment in or on the vehicle) that are not covered by present standards under the FMCSR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	11/00/87	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/87

Agency Contact: Mr. Neill L. Thomas, Chief, Development Branch, Bureau of Motor Carrier Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB50

1841. + DRIVING A MOTOR VEHICLE

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 392

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is proposing to amend Part 392 of the Federal Motor Carrier Safety Regulations (FMCSR) to (1) relax the requirement concerning a spare set of corrective lenses, (2) add language to include pretrip inspection of hazardous materials-laden vehicles and cargo tanks, (3) require drivers of hazardous materials-laden vehicles to notify emergency response personnel anytime a vehicle is disabled because of an accident or if the driver suspects an unintentional release of hazardous materials, (4) strengthen the disqualification criteria of drivers of hazardous materials-laden vehicles, (5) require a means of communication between the driver and passengers on an articulated vehicle, (6) delete the time requirement for the operation of head lamps, and (7) delete the prohibited practice rule concerning unauthorized passengers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	11/00/87	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/87

Agency Contact: Mr. Neill L. Thomas, Chief, Development Branch, Bureau of Motor Carrier Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB51

1842. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; BOAT TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; 23 USC 2311(d)

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is seeking comments on a request to designate boat transporters as specialized equipment under provision of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Of prime concern are comments and information on the following issues relating to boat transporters: maneuvering characteristics, safety, control, offtracking, crosswind effects, and the need for overall length limits on boat transporters. Information on the similarities and dissimilarities between boat transporters and auto transporters would be most helpful as would information on the consistency of truck configurations used for hauling boats. The FHWA would also appreciate comments regarding the need to preempt current State regulation of this vehicle, as well as an actual definition and description of boat transporters. Comments are also being sought on the types of vehicles that should be considered as specialized equipment as well as an actual definition.

Timetable:

Action	Date	FR Cite
ANPRM	03/18/86	51 FR 10234
ANPRM Comment Period End	05/09/86	51 FR 10234
NPRM	07/00/87	
Final Action	04/00/88	

Small Entity: No

Analysis: Reg. Evaluation 07/00/87

Agency Contact: Ed Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4026

RIN: 2125-AB55

1843. + QUALIFICATION OF DRIVERS; HAZARDOUS MATERIALS DRIVERS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App 2505

CFR Citation: 49 CFR 391

Legal Deadline: None.

Abstract: A notice of proposed rulemaking (NPRM) will supercede the initial NPRM published on May 13, 1986 (51 FR 17572). The May 13, 1986, NPRM proposed to establish stricter driver qualification rules for drivers of vehicles containing certain classes of hazardous materials.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17572
NPRM Comment Period End	08/11/86	51 FR 17572
NPRM Supplemental	07/00/87	
Final Action	02/00/88	

Small Entity: No

Analysis: Reg. Evaluation 07/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB64

1844. + SEMITRAILER-SEMITRAILER; B-TRAIN

Significance: Regulatory Program

Legal Authority: 23 USC 325; PL 97-424, Sec 411; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA will request comments on a proposal to interpret 23 CFR 658.13 such that a combination of vehicles described as a truck-tractor semitrailer-semitrailer be considered as a truck-tractor semitrailer-trailer for purposes of 23 CFR 658. It is FHWA's intent to implement the Surface Transportation Assistance Act of 1982 so that all configurations that offer safety and productivity advantages will be recognized under the regulations. This action is significant because of industry interest and that of the general public.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
NPRM Supplemental	06/00/87	
Final Action	01/00/88	

Small Entity: No

Analysis: Reg. Evaluation 06/00/87

Agency Contact: Ed Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4026

RIN: 2125-AB66

1845. + NATIONAL COMMERCIAL-VEHICLE DRIVER-LICENSING STANDARDS; SINGLE-LICENSE STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: Statutory, July 15, 1988.

Abstract: The Department of Transportation (DOT/FHWA) is considering a revision to its Federal Motor Carrier Safety Regulations (FMCSR) which would require certain commercial vehicle drivers to have a single classified driver's license. The ANPRM seeks public comment on the desirability, scope, and practical implementation of a single classified driver's license system. This rulemaking is significant because of the public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/86	51 FR 27567
ANPRM Comment Period End	11/05/86	51 FR 35539
NPRM	06/00/87	
Final Action	07/00/88	

Small Entity: No

Analysis: Reg Evaluation 06/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB68

1846. ● + TRUCK SIZE AND WEIGHT; SPECIAL PERMITS

Significance: Regulatory Program

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC App. 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: This rulemaking action will delete language pertaining to the issuance of special permits in section 658.17 and will request that States identify grandfather rights claimed for single and tandem axle weight, gross weight, alternate bridge formula and special permit authority. The weights identified as having been determined by the States will be recognized as grandfather rights.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	02/00/88	

Small Entity: No

Analysis: Reg. Evaluation 05/00/87

Agency Contact: John MacGowan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4032

RIN: 2125-AB80

1847. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None.

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jocelyn Karp (202) 366-4063.

Analysis: Reg. Evaluation 04/00/87

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4836

RIN: 2125-AB10

1848. + MINIMUM REQUIREMENTS FOR PRIVATE MOTOR CARRIERS OF PASSENGERS AND DRIVERS OF PRIVATE MOTOR VEHICLES OF PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC App 2503; 49 USC App 2505

CFR Citation: 49 CFR 384

Legal Deadline: None.

Abstract: The FHWA is considering proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	08/00/87	

Small Entity: No

Analysis: Reg. Evaluation 08/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB62

1849. + MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS: SELF-INSURANCE

Significance: Agency Priority

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA has determined that the issues associated with its authority to permit motor carriers to self-insure need to be examined in light of the insurance crisis affecting the motor carrier industry. The FHWA is seeking public comment from interested parties concerning self-insurance as a viable and effective mechanism for demonstrating financial responsibility as required by the Motor Carrier Act of 1980. This rulemaking action is considered significant because of the public interest in the issue being considered. This rulemaking action will also address the issue of requiring all for-hire motor carriers of passengers to carry evidence of having obtained financial responsibility meeting the statutory minimums in any motor vehicle being operated in for-hire service. A petition was filed by the American Bus Association (ABA).

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22086
ANPRM Comment Period End	07/18/86	51 FR 22086
NPRM	04/00/87	

Small Entity: No

Additional Information: An interim final rule was published on June 18, 1986, at 51 FR 22080 permitting motor

carriers of property to satisfy the financial responsibility requirements of the DOT (FHWA) by self-insuring if they have received approval from the ICC to self-insure and have maintained an FHWA "satisfactory" safety rating. This rulemaking action will further analyze the issues addressed in the interim final rule.

Analysis: Reg. Evaluation 04/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB65

1850. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None.

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: An initial NPRM was issued on 01/29/81 (46 FR 9642). It has been determined to issue another NPRM based on further review.

Analysis: Reg. Evaluation (Minimal impact) 06/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AA19

1851. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: This revision will update and simplify existing Federal-aid contract procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36685
NPRM Supplemental	09/00/87	

Small Entity: No

Additional Information: An initial NPRM was issued on 08/18/78, 43 FR 36685. It has been determined to issue another NPRM after further review.

Analysis: Reg Evaluation 09/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AA18

1852. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Legal Deadline: None.

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entity: No

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA27

1853. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None.

Abstract: The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. No action is anticipated within the next 12 months.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2991

RIN: 2125-AA36

1854. PAVEMENT DESIGN POLICY

Significance: Nonsignificant

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315

CFR Citation: 23 CFR 626; 23 CFR 625

Legal Deadline: None.

Abstract: The existing regulation on pavement design would be modified to eliminate unnecessary requirements and duplicative provisions. Currently, the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO has approved a new Pavement Design Guide. FHWA will solicit public comment on the revised guide and evaluate whether the revised guide should be adopted for application on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: A Federal Register notice was published on 4/24/85 (50 FR 16103) outlining and explaining the procedural steps the FHWA would take to effectuate Federal adoption of the revised guide.

Analysis: Reg. Evaluation (Minimal impact) 04/00/87

Agency Contact: Norman Van Ness, Department of Transportation, Federal Highway Administration, 400 Seventh

Street, SW, Washington, DC 20590, 202 366-1324

RIN: 2125-AA88

1855. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The proposed was intended to adopt the AASHTO Guide Specifications for water pollution control. After careful consideration of comments submitted in response to the NPRM and based upon a further review by FHWA, it has been determined that rulemaking in this area is no longer necessary. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
To be withdrawn	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 01/18/85 (50 FR 2694)

Agency Contact: Daniel S. O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4608

RIN: 2125-AB05

1856. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACTS; EQUAL OPPORTUNITY COMPLIANCE REVIEW; PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None.

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Reg. Evaluation 06/00/87

Agency Contact: Glenn R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1588

RIN: 2125-AB08

1857. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None.

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job training (OJT) special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 420. Therefore, the proposed rulemaking action explained under the entry (RIN No. 2125-AB27) formerly located in the "Proposed Rule Stage" portion of the agenda has been merged with this rulemaking action.

Analysis: Reg. Evaluation (Minimal impact) 11/22/82 (47 FR 52470)

Agency Contact: Glenn Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1588

RIN: 2125-AB15

1858. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. The purpose of this action will be to determine if revisions are warranted in order to improve overall management of the Federal-aid highway program.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
NPRM	06/00/87	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal impact) 06/00/87

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AB18

1859. RAILROAD-HIGHWAY PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(e); 23 USC 120(d); 23 USC 130; 23 USC 315; 23 USC 405

CFR Citation: 23 CFR 646

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The proposed amendment will

incorporate and clarify existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways. Upon a review of comments received to the NPRM, it has been decided that a supplemental NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7067
NPRM Comment Period End	04/22/85	
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: A 60-day comment period is being provided.

Analysis: Regulatory Evaluation (min. impact) 02/20/85 (50 FR 7067)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AB25

1860. ADMINISTRATION OF CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402

CFR Citation: 23 CFR 172

Legal Deadline: None.

Abstract: Revisions to the existing regulation will be made to standardize the minimum requirements by including FHWA's interpretation of OMB Circular A-102 requirements. Inclusion of OMB Circular A-102 as an appendix to the regulations will be deleted.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation (min. impact) 04/00/87

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125-AB30

1861. STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINARIES AND TRAFFIC SIGNALS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None.

Abstract: This rulemaking action will address the revisions to the 1975 AASHTO publication entitled "Standard Specification for Structural Supports for Highway Signs, Luminaries and Traffic Signals" which is incorporated in 23 CFR Part 625 as a specification. In May of 1985, the American Association of State Highway and Transportation Officials (AASHTO) approved a new edition of the 1975 edition. The AASHTO is currently in the final stages of printing the new edition. Once published, FHWA will publish a Notice of Proposed Rulemaking (NPRM) requesting public comment on the application of the 1985 edition to Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40817
NPRM Comment Period End	05/11/87	51 FR 40817
Final Action	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation 11/10/86 (51 FR 40817)

Agency Contact: Donald J. Voelker, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1333

RIN: 2125-AB56

1862. RIGHT-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 720

Legal Deadline: None.

Abstract: The FHWA intends to publish an NPRM to update and reorganize its right-of-way regulations for the Federal-aid highway program. Subjects to be addressed include State highway agency responsibilities, authorizations, and reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/00/87

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125-AB58

1863. PROPERTY MANAGEMENT AND DISPOSALS

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 713

Legal Deadline: None.

Abstract: The FHWA intends to publish an NPRM to update its property management and disposal regulations relative to the Federal-aid highway program. It will reflect current departmental decisions and policies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/00/87

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125-AB60

1864. ● NATIONAL BRIDGE INSPECTION STANDARDS; FREQUENCY OF INSPECTION AND INVENTORY

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 116(d); 12 USC 144; 23 USC 315

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The FHWA is requesting comments to a proposal to revise the National Bridge Inspection Standards (NBIS). The revised regulation would

permit States to increase the maximum time interval between the inspections for certain types or groups of bridges, as opposed to retaining the mandatory 2-year interval as required by regulations currently in effect. The proposed revisions would also require that States identify those bridges having fracture critical members or bridges which warrant underwater inspection consideration. The proposed revisions would provide State highway agencies greater flexibility with which to use available inspection resources in a cost-effective manner. It is intended that the proposed revisions would encourage efficient use of resources while ensuring that the safety of the traveling public is protected.

Timetable:

Action	Date	FR Cite
NPRM	04/07/87	52 FR 11092
NPRM Comment Period End	06/08/87	52 FR 11092

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 04/07/87 (52 FR 11092)

Agency Contact: John J. Ahlskog, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4617

RIN: 2125-AB71

1865. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/87.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 12/00/87

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2184

RIN: 2125-AA37

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Federal Highway Administration (FHWA)

1866. + SPLASH/SPRAY SUPPRESSANT DEVICES ON TRUCK TRACTORS, SEMITRAILERS AND TRAILERS

Significance: Regulatory Program

Legal Authority: 49 USC 2314; 49 USC 3102; Section 414 of STAA of 1982

CFR Citation: 49 CFR 393

Legal Deadline: None.

Abstract: Section 414 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) states that Congress declares the visibility on wet roadways in the Interstate System should be improved by reducing splash and spray from truck tractors, semitrailers and trailers. Congress instructed the Secretary to establish, by regulation, minimum standards with respect to the performance and installation of splash and spray suppression devices on truck tractors, semitrailers and trailers. Further, Congress mandated that all vehicles in use 5 years from date of enactment be equipped with such devices. The revisions to 49 CFR 393 will implement this mandate. This rulemaking is considered significant because of its economic impact on the motor carrier industry.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14630
Comment Period Extended	06/11/85	50 FR 24549
NPRM Comment Period End	08/12/85	50 FR 24549
Determination of Next Appropriate Action	03/31/87	

Small Entity: Yes

Additional Information: The public comment period was extended to 8/12/85 by a notice published on 6/11/85 (50 FR 24549).

As part of the Surface Transportation Reauthorization bill, introduced for consideration in the last Congress and reintroduced in this session, the Administration proposed a provision that would amend the existing splash and spray suppression-devices statute. The amendment is intended to give greater flexibility to the Department in dealing with this problem and to ensure that the Department's final decision can take the costs and benefits of various alternatives fully into account.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/12/85 (50 FR 14630)

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA84

1867. + TRUCK SIZE AND WEIGHT; GRANDFATHER SEMITRAILER LENGTHS

Significance: Regulatory Program

Legal Authority: PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: An analysis of comments to the March 1, 1985 NPRM indicates insufficient rationale to establish grandfathered semitrailer lengths in all States. A final rule will be prepared and will establish the grandfather semitrailer lengths for States where adequate documentation exists. For those other States, the FHWA will request additional information and comments.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
Final Action	08/00/87	

Small Entity: No

Additional Information: A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the headquarters office of FHWA, 400 Seventh Street, S.W., Washington, D.C.

Analysis: Regulatory Evaluation (min. impact) 03/01/85 (50 FR 8342)

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5370

RIN: 2125-AB26

1868. + TRUCK SIZE AND WEIGHT; TANDEM TRUCK SAFETY ACT

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is proposing to provide a statement of FHWA interpretation and policy addressing the size and weight provisions contained in the Tandem Truck Safety Act of 1984 (TTSA) which amended the Surface Transportation Assistance Act of 1982 (STAA). This action addresses (1) conditions under which segments of the National System of Interstate and Defense Highways may be deleted from the National Truck Network, (2) conditions affecting the designation of new routes on the Federal-Aid Primary System as part of the National Truck Network, and (3) new provisions for 102-inch wide 28 1/2-foot semi-trailers. The issue relative to the qualifications of highways previously designated with lane widths less than 12 feet is the subject of a separate rulemaking action. See "Nonsignificant Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37970
NPRM Comment Period End	11/04/85	50 FR 37970
Final Action	04/00/87	

Small Entity: No

Additional Information: This action had previously been characterized as significant in the agenda. Upon further review, it has been determined that since this rulemaking proposes to technically amend the June 5, 1984, final rule on Truck Size and Weight and to finalize certain issues left unresolved, it is not considered significant. A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, D.C.

Analysis: Regulatory Evaluation 09/18/85 (50 FR 37970)

Agency Contact: Mr. John Magowan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4032

RIN: 2125-AB28

1869. + HOURS OF SERVICE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 395

Legal Deadline: None.

Abstract: Section 206 of the Motor Carrier Safety Act of 1984 (Act) directs the DOT to reissue regulations pertaining to commercial motor vehicle safety. On November 23, 1984, the FHWA published a final rule at 49 FR 46145 regarding Hours of Service in order to comply with an opinion of the United States Court of Appeals for the District of Columbia Circuit. A docket was opened (MC-99-1) in order to request comments for further consideration of revisions to the requirement of the driver's record of duty status. Pursuant to section 206 of the Act, an ANPRM was issued (1/23/85; 50 FR 2998) and again requested comments regarding the requirement for recorded hours of service. This rulemaking action will incorporate all comments received to the above mentioned published rulemaking actions. This document will consider the possible elimination of certain items required on the driver's record of duty status and extending the 12-hour limitation in the 100 mile radius exemption to 15 hours or permitting a 50 mile radius rule as an option with the 15 hour rule. This rulemaking is considered significant because of the potential cost savings which may result from (con't)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	05/09/86	51 FR 17214
NPRM Comment Period End	06/09/86	51 FR 17214
Extension Notice	07/08/86	51 FR 24722
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: the reduction in requirements for maintaining the driver's record of duty status. Previous RIN for published final rule on 11/23/84 is 2125-AB22. By notice dated 07/08/86 (51 FR 24722), the NPRM comment period was extended to 08/18/86.

Analysis: Reg. Evaluation 05/09/86 (51 FR 17214)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB39

1870. + TRUCK SIZE AND WEIGHT; AUTOMOBILE TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is proposing revisions to certain provisions established by the final rule on truck size and weight published at 49 CFR 23302 on June 5, 1984. This action proposes: (1) a definition for an automobile-transporter; (2) a minimum 75-foot overall length for a stinger-steered automobile-transporter; (3) the allowance of triple saddlemount combinations with a minimum length of 65 feet; and, (4) no overall length limitations for conventional tractor-semitrailer automobile transporters when the semitrailer is 48 feet in length. The purpose of this rulemaking action is

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to clarify and further define certain issues contained in the June 5, 1984, final rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/84	49 FR 38956
ANPRM Comment Period End	11/17/84	49 FR 38956
NPRM	11/25/85	50 FR 48431
NPRM Comment Period End	01/09/86	50 FR 48431
Final Action	05/00/87	

Small Entity: No

Additional Information: A Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation (Min. Impact) 11/25/85 (50 FR 48431)

Agency Contact: Chester F. Phillips, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2251

RIN: 2125-AB42

1871. + TRUCK SIZE AND WEIGHT; LANE WIDTHS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 416; PL 98-554, Sec 105; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: By this action, the FHWA is taking steps to implement the 12-foot-wide lane provisions contained in the Surface Transportation Assistance Act of 1982 (STAA) as amended by the Tandem Truck Safety Act of 1984 (TTSA). An ANPRM published 4/1/85 at 50 FR 12825 identified for re-examination specific routes on the National Network containing sections with lanes less than 12 feet wide in those States which do not otherwise permit 102-inch wide vehicles on the National Network, pursuant to State law. These States are Alabama, Florida, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virginia. After a review, FHWA intends to propose the deletion of highways with lane widths less than 12 feet wide if such designation is found to be inconsistent with highway safety. The FHWA is soliciting information, data and comments concerning these routes that may assist in the review.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/85	50 FR 12825
ANPRM Comment Period End	05/16/85	50 FR 12825
NPRM	03/12/86	51 FR 8511
NPRM Comment Period End	05/11/86	51 FR 8511
Final Action	06/00/87	

Small Entity: No

Additional Information: Further Agency Contact is Mr. D. C. Oliver, (202) 366-1354. Also, a Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation 03/00/86 (51 FR 8511)

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-5370

RIN: 2125-AB43

1872. + SAFETY FITNESS DETERMINATION

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 215; 49 USC 3102

CFR Citation: 49 CFR 385

Legal Deadline: None.

Abstract: Section 215 of the Motor Carrier Safety Act of 1984 requires the FHWA, in cooperation with the Interstate Commerce Commission, to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles including persons seeking new or additional operating authority as motor carriers. Comments are being requested regarding the proposed changes in the current safety rating procedures and a new proposal for those carriers who have not previously been assigned a safety rating or who intend to be a new entrant into the motor carrier industry. It has been determined that this rulemaking action is a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the total estimated indirect benefits that may result.

Timetable:

Action	Date	FR Cite
NPRM	06/25/86	51 FR 23088
NPRM Comment Period End	09/11/86	51 FR 23088
Final Action	07/00/87	

Small Entity: No

Analysis: Reg. Evaluation 06/25/86 (51 FR 23088)

Agency Contact: Gary E. Curtis, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1795

RIN: 2125-AB46

1873. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; MAXI-CUBE

Significance: Regulatory Program

Legal Authority: 23 USC 315; 49 USC 2311(d)

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: An ANPRM had been issued requesting public comment on a petition to designate a particular combination of vehicles as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). The FHWA is now issuing a final rule to implement section 324 of the Act Making Continuing Appropriations for Fiscal Year 1987, Pub. L. 99-591. This section amended section 411(f) of the Surface Transportation Assistance Act (STAA) of 1982 (Pub. L. 970424) to authorize the "maxi-cube" vehicle to operate on the National Network in the same way as vehicles authorized by section 411(d) of the STAA of 1982. The maxi-cube is a particular combination of vehicle described in the law. The ANPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52940
ANPRM Comment Period End	02/10/86	50 FR 52940

DOT—FHWA **Final Rule Stage**

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7085
Supplemental		
Final Action	05/00/87	

Small Entity: No

Additional Information: A supplemental ANPRM was issued on February 28, 1986 (51 FR 7085), and provided additional information on the vehicle combination referred to as "Maxi-Cube." Comments were requested until March 17, 1986. The supplemental ANPRM will also be withdrawn.

Analysis: Reg Evaluation (Minimal Impact) 04/00/87

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-5370

RIN: 2125-AB48

1874. ● + ACCOMMODATION OF UTILITIES; LONGITUDINAL UTILITY USE OF FREEWAY RIGHT-OF-WAY

Significance: Regulatory Program

Legal Authority: 23 USC 109; 23 USC 116; 23 USC 315

CFR Citation: 23 CFR 645

Legal Deadline: None.

Abstract: The FHWA is proposing to revise its regulation on the accommodation of utility facilities and private lines on the right-of-way of Federal-aid and direct Federal highway projects to clarify requirements regarding utility use of Federal-aid highways and to modify the conditions under which certain types of utilities may be located longitudinally on Federal-aid freeways (Interstate highways). This action considers the interest expressed by the telecommunication industry to gain access to the Interstate System for installation of underground fiber optics cable systems.

Timetable:

Action	Date	FR Cite
NPRM	12/19/86	51 FR 45479
Comment Period Extended to 03/17/87	02/11/87	52 FR 4349
NPRM Comment Period End	02/17/87	51 FR 45479
Final Action	07/00/87	

Small Entity: No

Additional Information: A general notice was published in the Federal Register on April 1, 1986 (51 FR 11055) announcing the intention of FHWA to initiate reexamination of its regulation and policy on longitudinal use of Interstate right-of-way.

Analysis: Reg. Evaluation 12/19/86 (51 FR 45479)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2652

RIN: 2125-AB76

1875. ● + NATIONAL COMMERCIAL-VEHICLE DRIVER-LICENSING STANDARDS; REQUIREMENTS AND PENALTIES

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12003; PL 99-570, Sec 12004; 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: Statutory, July 1, 1987.

Abstract: Sections 12003 and 12004 of Pub. L. 99-570 require certain requirements to be in place by July 1, 1987, regarding motor vehicle traffic violations (other than parking). The State and employer must be notified within 30 days of violations committed by commercial vehicle drivers. Also no employer, effective July 1, 1987, shall knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in the United States during any period in which an employee has more than one driver's license, or has a driver's license suspended, revoked, or cancelled by a State.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Analysis: Reg. Evaluation 06/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB78

1876. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 303(c); 49 USC 303

CFR Citation: 23 CFR 771; 49 CFR 622; 23 CFR 790; 23 CFR 635.309; 23 CFR 640.107; 23 CFR 650.109; 23 CFR 712.204

Legal Deadline: None.

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: A. Marner, UMTA (202) 366-0096.

Analysis: Regulatory Evaluation 08/01/83 (48 FR 34894)

Agency Contact: Fred Skaer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2050

RIN: 2125-AA05

1877. EMERGENCY RELIEF

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(f); 23 USC 315; 42 USC 5155

CFR Citation: 23 CFR 668

Legal Deadline: None.

Abstract: This rulemaking will revise procedures for the administration of emergency funds for the repair or reconstruction of Federal-aid highways, which are found to have suffered

serious damage by natural disasters over a wide area or catastrophic failures. These revisions will improve the effectiveness of program implementation.

Timetable:

Action	Date	FR Cite
NPRM	09/17/85	50 FR 37688
NPRM Comment Period End	12/16/85	50 FR 37688
Final Action	04/00/87	

Small Entity: No

Additional Information: This rulemaking resulted from a review of the regulation.

Analysis: Reg. Evaluation (Minimal impact) 09/17/85 (50 FR 37688)

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AA50

1878. TRANSFER OF FEDERAL-AID HIGHWAY FUNDS

Significance: Nonsignificant

Legal Authority: Surface Transportation Assistance Act of 1982, Sec. 116

CFR Citation: 23 CFR 160, Subpart A; 23 CFR 160, Subpart B; 23 CFR 160, Subpart C

Legal Deadline: None.

Abstract: This regulation revision will reflect the required statutory changes included in section 116 of the STAA of 1982 regarding the transfer of Interstate construction funds.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 06/00/87

Agency Contact: Larry C. Hanna, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0673

RIN: 2125-AA64

1879. ACCELERATION OF PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315; Surface Transportation Assistance Act of 1982, Sec. 129

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: This revision would expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action is also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period End	11/25/83	48 FR 57330
To be withdrawn	04/00/87	

Small Entity: No

Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Analysis: Reg. Evaluation (Minimal impact) 08/26/83 (48 FR 38854)

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125-AA87

1880. NAVIGATIONAL CLEARANCES FOR BRIDGES

Significance: Nonsignificant

Legal Authority: 23 USC 144(h); 23 USC 315; 33 USC 401; 33 USC 491; 33 USC 511; 33 USC 525; 33 USC 535

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The proposed regulation would establish FHWA policy and would set forth coordination procedures for Federal-aid highway bridges which require navigational clearances.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14251
NPRM Comment Period End	07/11/85	50 FR 14251
Final Action	04/00/87	

Small Entity: No

Additional Information: A 90 day comment period was provided.

Analysis: Reg. Evaluation (Minimal impact) 04/11/85 (50 FR 14251)

Agency Contact: Philip Thompson, Hydraulics Engineer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4611

RIN: 2125-AB07

1881. REQUIRED CONTRACT PROVISIONS

Significance: Nonsignificant

Legal Authority: 23 USC 114; 23 USC 315

CFR Citation: 23 CFR 633

Legal Deadline: None.

Abstract: This revision will restructure the existing regulation and remove from it all provisions covered by other regulations. This will facilitate the handling of FHWA form 1273 as a non-regulatory action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 04/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AB20

1882. LABOR AND EMPLOYMENT

Significance: Nonsignificant

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the payment of Federal-aid funds for the excess labor costs due to State prevailing wage rates which are higher than those determined by the Department of Labor on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39137
NPRM Comment Period End	11/12/85	50 FR 39137
Final Action	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (minimal impact) 09/27/85 (50 FR 39137)

Agency Contact: Ruth Anders, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1394

RIN: 2125-AB37

1883. AGREEMENT PROVISIONS REGARDING OVERRUNS IN CONTRACT TIME

Significance: Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: The revised regulations would require each State highway agency (SHA) to keep liquidated damage provisions current so that amounts recovered through contractor assessments would at a minimum cover SHA's average daily construction engineering cost attributable to the contract time overrun. The FHWA rate table presently in the regulation would be removed and the provisions for FHWA recovery of costs would be modified.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9417
NPRM Comment Period End	05/02/86	51 FR 9417
Final Action	04/00/87	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 03/18/86 (51 FR 9417)

Agency Contact: Bob B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125-AB49

1884. REIMBURSEMENT FOR RAILROAD WORK

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(d); 23 USC 130; 23 USC 315

CFR Citation: 23 CFR 140

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulation on reimbursement for railroad work to allow Federal-aid highway funds to be used to pay for various overhead and indirect construction costs incurred by railroad forces accomplishing work on Federal-aid highway projects.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 44996
NPRM Comment Period End	02/17/87	51 FR 44996
Final Action	08/00/87	

Small Entity: No

Additional Information: A 60-day comment period was provided.

Analysis: Reg. Evaluation (Min. Impact) 12/17/86 (51 FR 44996)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4652

RIN: 2125-AB59

1885. ● CARGO PREFERENCE

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 114; 23 USC 315; 23 USC 113; 23 USC 128; 31 USC 6505; 42 USC 3334; 42 USC 4602 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is incorporating into its regulations the cargo preference requirements as mandated by the Cargo Preference Act of 1954 (Act) and its implementing regulations (46 CFR 381) developed by the Maritime Administration (MARAD). This final rule clarifies policies and procedures for the application of the Act's requirements to Federal-aid highway construction projects.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min Impact) 04/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AB73

1886. ● MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; ENVIRONMENTAL RESTORATION

Significance: Nonsignificant

Legal Authority: 49 USC 10927 note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA issued an interim final rule to redefine "environmental restoration" as that term is used in FHWA's financial responsibility regulations. This action was taken in response to a joint petition filed by the American Insurance Association (AIA) and the American Trucking Associations (ATA), and because of the current insurance crisis facing the motor carrier industry. This action made clear the motor carriers are required to provide evidence of financial responsibility to satisfy claims for damage to human health and to the environment including necessary restoration costs, but not for potential or speculative damages for which they would not otherwise be found liable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/86	51 FR 33854

Next Action Undetermined

Small Entity: No

Additional Information: Upon issuances of the interim final rule, the FHWA

gave notice that comments would be accepted on the rulemaking action. A comment period was provided and Docket No. MC-126; Amendment No. 83-14 was established to receive comments. The FHWA will consider all comments and information received in order to determine whether to make the change permanent.

Analysis: Reg. Evaluation 09/23/86 (51 FR 33854)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB77

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

1887. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FRONT-WHEEL BRAKES

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App 2509

CFR Citation: 49 CFR 393

Legal Deadline: Statutory, January 25, 1987.

Abstract: This rulemaking action amends the Federal Motor Carrier Safety Regulations (FMCSR) by revising the brake rules which currently allow trucks and truck tractors having three or more axles to be operated with no brakes on the front wheels. This action is intended to enhance the operational safety of commercial motor vehicles on the Nation's highways by establishing rules that are consistent with those of the National Highway Traffic Safety Administration (NHTSA) that govern the manufacture of new motor vehicles. It is significant because of public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	07/03/86	51 FR 24413
NPRM Comment Period End	08/04/86	51 FR 24413
Final Action	01/27/87	52 FR 2801

Small Entity: No

Additional Information: An ANPRM addressing the entire Part 393 of 49 CFR was published on January 10, 1985, at 50 FR 1245. This rulemaking action addresses section 393.42 of Part 393 separately. For the rulemaking action dealing with the other portions of Part 393, see the entry entitled "Parts and Accessories Necessary for Safe Operation" located in the "Proposed Rule Stage" section of the agenda (RIN 2125-AB45).

Analysis: Reg. Evaluation 01/27/87 (52 FR 2801)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB63

1888. + MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; EVIDENCE

Significance: Agency Priority

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA is considering seeking public comment regarding the merits of a formal petition requesting the promulgation of a new regulation requiring all for-hire motor carriers of passengers to carry evidence of having obtained financial responsibility (insurance) meeting the statutory minimums in any motor vehicle being operated in for-hire service. The petition was filed by the American Bus Association (ABA). These issues will be addressed in the rulemaking action under RIN 2125-AB65. See entry in "Proposed Rule Stage" section of the agenda.

Timetable:

Action	Date	FR Cite
Merged with RIN 2125-AB65	01/05/87	

Small Entity: No

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB61

1889. WRITTEN EXAMINATION

Significance: Nonsignificant

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 391.35

Legal Deadline: None.

Abstract: This rulemaking action will be issued in order to implement section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance by the FHWA of regulations pertaining to commercial motor carrier safety. Options available to the FHWA regarding the requirement for a written examination for commercial vehicle drivers include (1) rescission of the requirement; (2) retaining the requirement and updating the questions; and, (3) revising the requirement to a pass/fail situation. The issues being addressed in this rulemaking will be incorporated into the rulemaking action under RIN 2125-AB68. See entry in "Proposed Rule Stage" section of the agenda.

Timetable:

Action	Date	FR Cite
ANPRM - Initial	03/04/82	47 FR 4256
ANPRM	01/23/85	50 FR 2998
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
Merged with RIN 2125-AB68	01/05/87	

Small Entity: No

Additional Information: An initial ANPRM on the written examination was published on 3/4/82 (47 FR 4256). Pursuant to section 206 of the Motor Carrier Safety Act of 1984, which required the reissuance of the Federal Motor Carrier Safety Regulations, the initial ANPRM was withdrawn on 1/23/85 (50 FR 2998). Comments made to the initial ANPRM have been incorporated into this rulemaking action.

Agency Contact: Neill Thomas, Department of Transportation, Federal

Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA33

1890. SAMPLES AND TESTING OF MATERIALS AND CONSTRUCTION

Significance: Nonsignificant

Legal Authority: 23 USC 114; 23 USC 204; 23 USC 206; 23 USC 209; 23 USC 210; 23 USC 315

CFR Citation: 23 CFR 637

Legal Deadline: None.

Abstract: The FHWA is proposing to provide a more effective policy and procedure with regard to sampling and testing of materials and construction in Federal-aid highway projects. The amendments will clarify requirements and provide additional guidance in the areas of acceptance sampling, testing laboratory inspection programs and material certifications.

Timetable:

Action	Date	FR Cite
NPRM	09/20/85	50 FR 38136
NPRM Comment Period End	11/04/85	50 FR 38136
Final Action	11/07/86	51 FR 40415
Final Action Effective	12/08/86	51 FR 40415

Small Entity: No

Analysis: Regulatory Evaluation (min. impact) 11/07/86 (51 FR 40415)

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125-AB31

1891. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 97-424, Sec 411; PL 97-424, Sec 413; PL 98-17, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: FHWA is revising certain provisions established by the final rule on truck size and weight published in 49 FR 23302 on June 5, 1984. This notice proposes to: (1) list length exclusive devices under 23 CFR 658.13(e) and (2) list width exclusive devices under 23 CFR 658.15(c). The purpose of these revisions is to clarify confusion among trailer manufacturers and carriers as to how trailer length and width are to be measured in order to comply with the Federal size limits. Length and width exclusive devices are defined in the June 5, 1984, final rule as any device attached to either the sides, front, or rear of a semitrailer or trailer whose function is related to the safe and efficient operation of the unit. However, in keeping with the Surface Transportation Assistance Act of 1982, no device excluded from length or width determination is permitted to be designed or used for carrying cargo. FHWA issued a notice of interpretation regarding length and width exclusive devices.

Timetable:

Action	Date	FR Cite
Notice of Interpretation	03/13/87	52 FR 7834

Small Entity: No

Analysis: Reg. Evaluation 05/00/87

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4026

RIN: 2125-AB69

1892. ● NOTIFICATION AND REPORTING OF ACCIDENTS; PROPERTY DAMAGE THRESHOLD

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App. 2505

CFR Citation: 49 CFR 394

Legal Deadline: None.

Abstract: The FHWA is amending Part 394 of the Federal Motor Carrier Safety Regulations (FMCSR) by adjusting the minimum dollar limit for reporting accidents resulting in property damage. This amendment raises the reporting threshold for property damage accidents from the present $4,200 to $4,400. The reporting amount is being adjusted in proportion to the Gross National Product (GNP) inflator published by the Department of Commerce.

Timetable:

Action	Date	FR Cite
Final Action	03/10/87	52 FR 7277

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 03/10/87 (52 FR 7277)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB74

1893. ● MITIGATION OF ENVIRONMENTAL IMPACTS TO PRIVATELY OWNED WETLANDS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq; 23 USC 109(h); 23 USC 138; 23 USC 315

CFR Citation: 23 CFR 777

Legal Deadline: None.

Abstract: This rulemaking action contains technical amendments to clarify the evaluation of adverse impacts to privately owned wetlands so as to determine the extent of Federal-aid participation in the mitigation of such impacts. Because there was confusion in the use of the words "significant" and "significance" in the regulation, these words are being removed.

Timetable:

Action	Date	FR Cite
Final Action	03/17/87	52 FR 8250

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 03/17/87 (52 FR 8250)

Agency Contact: Harold Aikens, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1372

RIN: 2125-AB75

1894. ● ACCOUNTING; RESCISSION OF REGULATIONS

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 11

Legal Deadline: None.

Abstract: This action rescinded FHWA's regulation regarding the collection of accrued unbilled cost information. This action is being taken because FHWA is now able to develop accrued unbilled cost information internally and no longer needs to collect the information from the States.

DOT—FHWA **Completed Actions**

This action eliminates a quarterly reporting requirement and a related semi-annual review requirement.

Timetable:

Action	Date	FR Cite
Rescission of Regulation	09/12/86	51 FR 32453

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/12/86 (51 FR 32453)

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0562

RIN: 2125-AB81

1895. ● NATIONAL STANDARDS FOR SPECIFIC INFORMATION SIGNS; RESCISSION OF REGULATIONS

Significance: Routine and Frequent

Legal Authority: 23 USC 109(d); 23 USC 315

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: This action rescinded the FHWA regulation (23 CFR Part 655, Subpart C) which establishes standards for signs erected within highway rights-of-way to provide directional information for business establishments offering goods and services in the interest of the traveling public. These standards have been added to the Manual on Uniform Traffic Control Devices (MUTCD) by a final rule published on March 13, 1985 (50 FR 1001). The MUTCD is incorporated by reference in 23 CFR Part 655, Subpart F therefore Subpart C of 23 CFR 655 is no longer necessary.

Timetable:

Action	Date	FR Cite
Rescission of Regulation	09/17/86	51 FR 32907

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/17/86 (51 FR 32907)

Agency Contact: Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2131

RIN: 2125-AB72

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

National Highway Traffic Safety Administration (NHTSA)

1896. + REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None.

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	12/31/87	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB78

1897. + SIDE IMPACT PROTECTION, HEAD/NECK PROTECTION, AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None.

Abstract: Would propose amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB85

1898. + UNIFORM TIRE-QUALITY GRADING

Significance: Agency Priority

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None.

Abstract: Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AA52

1899. + OCCUPANT CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: ANPRM will request comments on proposing an amendment to Standard No. 208, Occupant Crash Protection, to require Type 2 safety belts in the outboard seating positions in the second seat of passenger cars and MPVs and trucks with GVWR of 10,000 pounds or less. This action is significant because of the recent NTSB report on lap-belt injuries and resultant public interest expected.

DOT—NHTSA

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	04/01/87	

Small Entity: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Impact Analysis 00/00/00

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB91

1900. REVIEW: SCHOOLBUS SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None.

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AA65

1901. REVIEW: SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None.

Abstract: This regulation was selected for review because of costs.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/86	
End Review	06/00/87	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AA69

1902. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 25 USC 1392; 25 USC 1401; 25 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: The standard requires passenger cars sold after Oct. 1, 1985 to be equipped with center high-mounted stop lamps. The evaluation will determine the reduction of rear-impact collisions that occurs after the lamps are introduced in the vehicle fleet, as well as the cost of the lamps.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Report	01/01/87	
Interim Report	01/01/88	
End Review	10/01/89	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evalution, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB76

1903. FLAMMABILITY OF SCHOOL BUS INTERIOR MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would utilize guidelines prescribed by UMTA to define flammability characteristics of school bus interior materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA44

1904. CONSUMER INFORMATION - WET STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.105

Legal Deadline: None.

Abstract: Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AA56

1905. VEHICLE CLASSIFICATION - COMPACT VANS/STATION WAGONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571; 49 CFR 523

Legal Deadline: None.

Abstract: Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: S. Wood, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2992

RIN: 2127-AA57

DOT—NHTSA **Prerule Stage**

1906. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None.

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multi-purpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
End Review	12/00/87	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB16

1907. VOLUNTARY TIRE REGISTRATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Legal Deadline: None.

Abstract: This regulation requires that independent tire dealers provide customers with a card to register newly purchased tires so that the customer may send in the completed card. These dealers were formerly required to register the tires for the customer, a requirement which has been retained for manufacturer-owned stores. The Motor Vehicle Safety and Cost Savings Authorization Act of 1982 requires that an evaluation be conducted.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/83	
Prelim. Evaluation Report Published	09/27/85	50 FR 188

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB18

1908. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None.

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Act Review is not required. The rule will still be reviewed as a priority review item. Subsequent to completion of the study and provision for public comment, the Agency will consider whether changes should be made in the standard's requirements.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	09/00/88	

Small Entity: No

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB43

1909. ● OCCUPANT CRASH PROTECTION: DYNAMIC-TESTING PETITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: The American Seat Belt Council petitioned the agency to amend Standard No. 208 to require that automatic belts and dynamically tested manual belts meet the webbing requirements of Standard No. 209. NHTSA is currently reviewing the petition, to consider appropriate action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Evaluation type to be determined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC00

DEPARTMENT OF TRANSPORTATION (DOT) **Proposed Rule Stage**

National Highway Traffic Safety Administration (NHTSA)

1910. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None.

Abstract: Ratings: Would require manufacturers to disseminate crashworthiness performance

information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-17. NPRM, Notice 1. Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; Notice 2).

Analysis: Regulatory Impact Analysis

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4805

RIN: 2127-AA03

1911. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 80-9.

Research underway.

Analysis: Regulatory Flexibility Analysis

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA12

1912. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA43

1913. + PEDESTRIAN PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015

Next Action Undetermined

Small Entity: Yes

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA45

1914. + ANTHROPOMORPHIC TEST DUMMIES: SIDE-IMPACT THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA48

1915. + SPLASH AND SPRAY SUPPRESSION DEVICES

Significance: Regulatory Program

Legal Authority: 49 USC 2314

CFR Citation: 49 CFR 583

Legal Deadline: None. Standard for new vehicles is now required to take effect one year after final rule is published.

Abstract: In accordance with the mandate of section 414 of the Surface Transportation Assistance Act of 1982, would establish minimum standards with respect to the performance of splash and spray suppression devices on truck tractors, semitrailers and trailers. Would also establish minimum standards with respect to the installation of splash and spray suppression devices on new vehicles. This regulation is significant because it is potentially controversial.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14632
NPRM Comment Period Extended	02/13/86	51 FR 5383
NPRM Comment Period End	04/14/86	51 FR 5383
Determination of Next Appropriate Action	03/31/87	

Small Entity: Yes

Additional Information: NHTSA's rulemaking would only affect new vehicles and equipment. However, section 414 of the Surface Transportation Assistance Act also mandates that the Department of Transportation establish minimum standards with respect to the installation of splash and spray devices for vehicles already in service. The Federal Highway Administration will conduct the rulemaking to satisfy that mandate. The Federal Highway Administration has classified its rulemaking as major. The costs of that rulemaking are expected to be much greater than NHTSA's rulemaking since (1) the population of vehicles in service is many times the annual production of new trucks, (2) a truck manufacturer will pay less per unit for each splash and spray suppression device when ordered in large quantities, and (3) the labor time to install the devices is far less for a new truck manufacturer, since it can be done at the assembly plant. In 1984, the Surface Transportation Assistance Act was amended to change the implementation date from 1/1/85, for new vehicles and 1/1/88, for vehicles in service, to one year after publication of the Final Rule for new vehicles & 3 years later for vehicles in service.

Analysis: Preliminary Regulatory Evaluation 04/12/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA97

1916. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None.

Abstract: Would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 00/00/00

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AB21

1917. + SIDE IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None.

Abstract: Would propose amending the current standard to upgrade thoracic protection in passenger-car side impacts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB86

1918. + LIGHTING SIMPLIFICATION--POTENTIAL AMENDMENTS TO SIMPLIFY FMVSS 108 LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor vehicle safety. The agency has concentrated its efforts into five principal areas. The first is the feasibility of a standard directed toward on-board original equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. The second is the desirability of specifications for headlamp life. The third concerns the necessity of dimensional specifications for headlamp equipment. The fourth is the issue of headlamp aim. The fifth is the elimination of obsolete photometric requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	05/00/87	

Small Entity: Undetermined

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB87

1919. ● + 1990-1991 MODEL YEAR LIGHT-TRUCK FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Statutory. Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the model year(s).

Abstract: In accordance with the mandatory requirements of Section 502 (b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light-truck average fuel-

economy standards for Model Years 1990 and 1991.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-21 400 Seventh St., SW, Washington, DC 20590, 202 366-4936

RIN: 2127-AC05

1920. + DAYTIME RUNNING LIGHTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: A petition was received from the Insurance Institute for Highway Safety (IIHS) on November 8, 1985. It requests that the Federal lighting regulation (FMVSS No. 108) be changed to allow installation of daytime running lights (DRLs) by original equipment manufacturers. Although the existing standard does not specifically prohibit DRLs, some changes to FMVSS No. 108 would be required to accommodate various suggested DRL configurations. NHTSA has exchanged information with Transport Canada on DRLs, and on the evaluation of effectiveness of various DRL configurations. Canada issued a proposed regulation which would require that new vehicles be equipped with DRLs. The agency would like to ensure that changes made in FMVSS No. 108 are compatible with the final technical specifications of Transport Canada. NHTSA plans to take action on the IIHS petition now that the Canadian NPRM is published. Proceeding is significant because of the importance of keeping pace with the Canadian action.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: Undetermined

Agency Contact: Ralph J. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4910

RIN: 2127-AB92

1921. ● + HEAD RESTRAINTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None.

Abstract: Petition for rulemaking to require head restraints on vehicles other than passenger cars. NHTSA is currently reviewing the petition, to determine appropriate action.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Analysis: Regulatory Impact Analysis

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC06

1922. HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Nonsignificant

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None.

Abstract: Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA00

1923. PASSENGER CAR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None.

Abstract: Would propose a New Standard No. 135, "Passenger Car Brake System," which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE).

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Extended comment period to 01/13/86	09/17/85	50 FR 37702

Action	Date	FR Cite
NPRM Comment Period End	12/16/85	50 FR 19744
NPRM	01/13/86	50 FR 37702
SNPRM	01/14/87	52 FR 1474
SNPRM Comment Period End	10/00/87	

Small Entity: No

Additional Information: Docket No. 85-06.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA13

1924. REARVIEW MIRROR SYSTEMS: HEAVY VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA21

1925. REARVIEW MIRROR SYSTEMS: LIGHT VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA23

1926. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None.

Abstract: Would revise the requirements in Standard No. 121 for parking and emergency brake functions for trailers. Based on comments to NPRM of 02/23/81 (46 FR 37952) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA27

1927. HEAVY TRAILER STABILITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	49 FR 21551
To be determined	00/00/00	

Small Entity: Yes

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force was formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task force analysis, which are anticipated in 1987.

Analysis: To Be Determined

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB42

1928. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None.

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

DOT—NHTSA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1834

RIN: 2127-AB79

1929. VOLUNTARY VEHICLE IDENTIFICATION STANDARD (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2033

CFR Citation: 49 CFR to be determined

Legal Deadline: None.

Abstract: NHTSA will promulgate a voluntary vehicle identification standard under which any person may elect to inscribe or affix an identifying number or symbol on major parts of any motor vehicle manufactured or owned by such person for purposes of section 511 of Title 18, United States Code, and related provisions. Compliance with this standard shall not relieve any manufacturer of motor vehicles from compliance with the requirements of the Federal motor vehicle theft prevention standard (49 CFR Part 541), or any other applicable regulation. Action is significant because it supplements the statutory requirement of 15 USC 2033 by allowing consumers to protect their vehicles and parts by identifying them.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Agency Contact: Barbara Burkhard, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh St., SW, Washington, DC 20590, 202 366-4807

RIN: 2127-AB93

1930. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would update the specifications of Part 572 covering the three-year-old child dummy to allow optional use of new accelerometers and a new head design.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB94

1931. ● CHILD RESTRAINT SYSTEMS -- BUILT-IN CHILD RESTRAINTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 47 CFR 571.213

Legal Deadline: None.

Abstract: Modify standard no. 213 to allow built-in child restraints and specify performance requirements for these built-in restraints.

Timetable:

Action	Date	FR Cite
NPRM	03/23/87	52 FR 9194
NPRM Comment Period End	05/22/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB97

1932. ● GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None.

Abstract: Possible amendment to Standard No. 205, Glazing Materials, to require markings remain visible when glazing is installed in vehicles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB98

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

1933. + POST-1986 PASSENGER CAR FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Statutory. Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: General Motors (GM) and Ford have petitioned for reduction of the passenger car average fuel economy standards for Model Year 1986 and beyond. The Center for Auto Safety and the Environmental Policy Institute petitioned to raise the standards for Model Years 1987 through 1990. All of these petitions were addressed in rulemakings which reduced the standard from 27.5 miles per gallon (mpg) to 26.0 mpg for Model Years 1986 through 1988 (10/06/86, 51 FR 35594) Further rulemaking action, for Model

Years 1989 and beyond, is undetermined at this time, pending potential legislative action to repeal or amend the CAFE legislation.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2912
NPRM Comment Period End	03/24/86	51 FR 2912
SNPRM	07/30/86	51 FR 27224

Next Action Undetermined

Small Entity: No

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AB75

1934. + PETITIONS FOR DEVIATIONS FROM THE VEHICLE THEFT PREVENTION STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 2025

CFR Citation: 49 CFR 543

Legal Deadline: None. Statute requires petitions for exemption to be submitted 8 months before start of production of passenger vehicle line.

Abstract: Establishes procedures to be followed by manufacturers in preparing and submitting petitions for exemptions from the vehicle theft prevention standard. Passenger motor vehicle manufacturers may petition NHTSA for these exemptions for vehicle lines whose standard equipment includes an antitheft device that is likely to be as effective as compliance with the vehicle theft prevention standard in deterring and reducing vehicle theft. Procedures are also established which the agency will follow in processing these petitions and in reaching determinations on whether they should be granted. These procedures have been issued as an interim final rule for MY 1987 and as a proposed rule for MYs 1988 and thereafter.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 715
Interim Final Rule	01/07/86	51 FR 706
NPRM Comment Period End	03/10/86	51 FR 715
Final Action	03/01/87	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 01/07/86 (51 FR 706)

Agency Contact: Barbara Burkhard, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4807

RIN: 2127-AB81

1935. + FEDERAL MOTOR VEHICLE SAFETY STANDARDS; SCHOOLBUS PASSENGER SEATING AND CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None.

Abstract: Would amend Federal Motor Vehicle Safety Standard No. 222, School Bus Passenger Seating and Crash Protection, to set requirements for safety belts when belts are voluntarily installed on school buses having gross vehicle weight ratings greater than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41368
NPRM Comment Period End	11/25/85	50 FR 41368
Final Action	04/00/87	

Small Entity: No

Additional Information: Notice grants a petition for rulemaking submitted by the Wayne Corporation and proposes an amendment to Federal Motor Vehicle Safety Standard No. 222, "School Bus Passenger Seating and Crash Protection."

Analysis: Regulatory Impact Analysis

Agency Contact: Robert Williams, Department of Transportation, National Highway Traffic Safety Administration, NRM-12, 400 Seventh Steet, SW, Washington, DC 20590, 202 366-4919

RIN: 2127-AB84

1936. ● + OCCUPANT CRASH PROTECTION: LIGHT-TRUCK SAFETY BELT DYNAMIC TESTING

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Proposes an amendment to Standard No. 208 to require dynamic testing of manual belts in light-duty trucks.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14589
NPRM Comment Period End	05/28/85	50 FR 14589
Final Action	04/00/87	

Small Entity: Undetermined

Analysis: Evaluation type to be determined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC01

1937. CONTROLS AND DISPLAYS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.101

Legal Deadline: None.

Abstract: Final rule amends Standard No. 101 to permit greater flexibility in the illumination and identification of controls and displays. The rule allows gauges to have a two-level lighting intensity, rather than being continuously variable over a wide range. It distinguishes between critical telltales, such as the turn signal indicators, which must be visible under all lighting conditions, and less significant telltales, such as the water temperature indicator, which are permitted the same range of intensity as gauges. The term, "informational readout display" is eliminated as no longer useful. To accommodate new display technologies, the rule permits the cancellation of messages, but requires them to be retrievable by the driver. The use of specified words to identify controls is permitted, as an alternative to the symbols now required for many controls. This action was initiated in response to several petitions for rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/12/85	50 FR 37240
NPRM Comment Period End	10/28/85	50 FR 37240
Final Action	02/03/87	52 FR 3244
Final Action Providing partial response to petition	03/09/87	52 FR 7150

Small Entity: No

Additional Information: Docket No. 1-18. NPRM, Notice 21. The comments to the Notice of Proposed Rulemaking, NPRM, of 02/01/82 (47 FR 4541) and an agency task force review led to the decision to issue a new NPRM on the subject.

In March 1987, a partial response to petitions for reconsideration was published. Remaining issues will be addressed in a separate notice.

Analysis: Regulatory Evaluation (minimal) 09/12/85 (50 FR 37240)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA06

1938. STEERING CONTROL REARWARD DISPLACEMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.204

Legal Deadline: None.

Abstract: Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13402
NPRM Comment Period End	07/19/85	50 FR 20919
Final Action	04/00/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Preliminary Regulatory Evaluation 04/04/85 (50 FR 13402); Final Regulatory Evaluation 10/00/86 (50 FR 13402)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA32

1939. MOTORCYCLE HELMETS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.218

Legal Deadline: None.

Abstract: The proposal would add new headform sizes to FMVSS 218.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39144
NPRM Comment Period End	11/26/85	50 FR 39144
Final Action	03/00/87	

Small Entity: Undetermined

Analysis: Preliminary Regulatory Evaluation 09/27/85 (50 FR 39144)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA40

1940. SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would update the definition of Seating Reference Point to incorporate latest industry practices.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
Final Action	07/00/87	

Small Entity: No

Additional Information: Docket No. 82-05.

Analysis: Regulation Evaluation (Minimal) 06/05/86 (51 FR 20536)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA46

1941. CONSUMER INFORMATION--STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.101

Legal Deadline: None.

Abstract: Would modify requirements for stopping-distance consumer information. A notice was published approving various alternatives concerning the requirement to provide stopping-distance information. Comments are under review and analysis.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30166
NPRM Comment Period End	08/05/83	
Final Action	06/01/87	
Final Action Effective	09/01/87	

Small Entity: No

Additional Information: Docket No. 83-09. NPRM, Notice 1.

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4805

RIN: 2127-AA50

1942. REARVIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: This proposal would amend FMVSS 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce

DOT—NHTSA

Final Rule Stage

headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. FR to permit use of passenger side convex mirrors published. FR responding to petitions and clarifying 1982 FR published.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 38842
To be determined	00/00/00	

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA88

1943. HYDRAULIC AND AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None.

Abstract: In response to a petition for rulemaking, would amend the brake burnish procedures specified for vehicles over 10,000 pounds by Standards No. 105 and No. 121.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21313
NPRM Comment Period End	11/19/85	50 FR 29993
Final Action	04/00/87	

Small Entity: No

Additional Information: Docket Nos. 70-27 and 83-07. NPRM, Docket No. 70-27, Notice 26; Docket No. 83-07, Notice 1.

Analysis: Regulatory Evaluation (Minimal) 05/23/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA92

1944. SEAT BELT ASSEMBLY ANCHORAGES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None.

Abstract: Proposes amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3293
Final Action	05/00/87	

Small Entity: No

Analysis: Evaluation type to be determined

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA95

1945. AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None.

Abstract: Would amend the brake application and release timing requirements and test devices in FMVSS No. 121 in order to better simulate the real-world performance with respect to towing and towed units, especially multi-trailer combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	50 FR 20113
NPRM Comment Period Extended to 12-30-85	07/01/85	50 FR 27032
Final Action	05/00/87	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 05/14/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB12

1946. OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Proposes an amendment to standard No. 208, Occupant Crash Protection, to upgrade the safety belt requirements for new trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating of more than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 23041
NPRM Comment Period End	07/15/85	
Final Action	06/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation (Minimal) 05/24/85 (50 FR 23041)

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB71

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Completed Actions

1947. + REVIEW: CHILD SEATING SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None.

Abstract: This regulation provides labeling and crash performance requirements for child safety seats. NHTSA estimates that the safety seats saved 158 lives and averted 1,020 serious injuries and 17,000 minor injuries of children aged 0-4 in 1984. The review of this regulation, originally promulgated in 1970 and significantly upgraded in 1979, will be completed in 1986.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
Evaluation Report published	02/14/86	51 FR 6487
End Review	11/01/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AA70

1948. ● + 1989 MODEL YEAR LIGHT-TRUCK FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Statutory; Judicial. Lt. tr. fuel economy stds are required to be set at least 18 mos. prior to the beginning of the MY. In the U.S. Court of Appeals decision on Center for Auto Safety et. al. vs. NHTSA, the court requested a date for the publication of this rule and NHTSA told the court a final rule would be issued not later than 02/28/87.

Abstract: In accordance with the mandatory requirements of Section (b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light-truck average fuel-economy standards for Model Year 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3221
Final Action	03/04/87	52 FR 6564
Final Action Effective	04/03/87	

Small Entity: Not Applicable

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-21 400 Seventh St., SW, Washington, DC 20590, 202 366-4936

RIN: 2127-AC02

1949. ● + SEATING SYSTEMS: SEAT-BACK RELEASE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None.

Abstract: Final rule eliminates unnecessary manual seat back release lever if no designated seating positions exist behind seat.

Timetable:

Action	Date	FR Cite
NPRM	07/02/86	51 FR 24176
NPRM Comment Period End	08/02/86	51 FR 24176
Final Action	03/13/87	52 FR 7867

Small Entity: No

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB96

1950. ● + OCCUPANT CRASH PROTECTION: ONE-CAR CREDIT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Final rule allows compliance with standard 208 by means of vehicles equipped with driver-side-only air bags, with dynamically tested manual safety belts at the front-seat passenger position, for four additional years (1989-1993), after which time each vehicle must comply with both outboard front seats. The rule is intended to encourage the orderly development of full front-seat air bags.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42598
NPRM Comment Period End	12/26/86	
Final Action	03/30/87	52 FR 10098

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB99

1951. LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Amends Standard No. 108 (Lamps, Reflective Devices, and Associated Equipment) to permit the use of two new miniature standardized replaceable light sources (HB3 and HB4) in replaceable bulb headlamp systems. Supplemental notice of proposed rulemaking would permit the use of HB2 standardized replaceable light source.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	50 FR 19961
Final Action	05/02/86	51 FR 16325
Final Action Effective	06/02/86	51 FR 16325
NPRM Supplemental	06/13/86	51 FR 21696

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 05/13/85; Final Regulatory Evaluation 10/05/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh

Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB37

1952. INSURER REPORTING REQUIREMENTS (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: Statutory. First annual reports required to be filed with agency by 01/31/87.

Abstract: As required by Title VI of the Cost Savings Act, motor vehicle insurance companies and rental/leasing companies will be required to submit annual reports to NHTSA.

Timetable:

Action	Date	FR Cite
NPRM	06/25/86	51 FR 23095
NPRM Comment Period End	07/25/86	51 FR 23095
Final Action	01/02/87	52 FR 59
Final Action Effective	01/02/87	52 FR 59

Small Entity: Undetermined

Analysis: Preliminary Regulatory Analysis 06/25/86 (51 FR 23095)

Agency Contact: Barbara Burkhard, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4807

RIN: 2127-AB82

1953. ● LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Nonsubstantive amendments to safety standard No. 108 to remove original equipment requirements that are no longer in effect and to clarify that most of those requirements may still be met by equipment manufactured to replace such original equipment, to adopt a common typographical manner in referring to materials incorporated by reference, and to correct errors appearing in the Code of Federal Regulations. No costs are involved.

Timetable:

Action	Date	FR Cite
Final Action	08/06/86	51 FR 28238

Small Entity: No

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., NW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC07

1954. ● LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Adoption of amendments to safety standard No. 108 to allow motor vehicles including motorcycles to be equipped with Type A and Type E headlamps with a simplified mounting system intended to improve the incidence of correct headlamp aim. The headlamps are designated Type G and Type H. The retaining ring and mounting ring assembly used to hold the headlamp in place are eliminated. The new mounting system incorporates integral mounting aiming tabs on the body of the headlamp and permits the headlamp to attach directly to the aiming screws and thus the car body. No costs are involved.

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	51 FR 10237
Final Action	11/12/86	51 FR 40979

Small Entity: No

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC08

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Prerule Stage

1955. + REVIEW OF RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Legal Deadline: None.

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	11/04/86	51 FR 40101
Public Hearing, Washington, DC 1/27/87 to	01/29/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA34

1956. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register

on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entity: Yes

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA10

1957. REVIEW OF LOCOMOTIVE CAB SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Legal Deadline: None.

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomotive cabs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA32

1958. REVIEW: SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Legal Deadline: None.

Abstract: The inquiry will obtain information to assist in evaluation of the impact of the change in the power brake regulations made in August 1982 in Docket PB-6.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket RSSI-85-1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA40

1959. SAFETY STANDARDS FOR CABOOSES

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 237

Legal Deadline: None.

Abstract: The proposed rule would seek to establish comprehensive safety standards for cabooses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSC-76-6

Analysis: Regulatory Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA01

1960. AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 905 OF THE 4R ACT

Significance: Nonsignificant

Legal Authority: PL 94-210

CFR Citation: 49 CFR 265

Legal Deadline: None.

Abstract: This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: William Fashouer, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0621

RIN: 2130-AA04

1961. SPECIAL SAFETY INQUIRY; RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The inquiry will obtain information from the public to assist in evaluating possible future courses of action to enhance public safety at railroad-highway grade crossings.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Public Hearing, St. Paul, Minnesota	07/16/84	
Notice of Special Safety Inquiry	12/24/84	49 FR 49961

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DOT—FRA

Prerule Stage

Action	Date	FR Cite
Public Hearing, Washington, D.C. begins 01/23/85	01/24/85	
Summary Report on Hearings	07/16/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSSI - 84-3.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA27

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Proposed Rule Stage

1962. ● + INFORMAL SAFETY INQUIRY AND RULEMAKING; CONTROL OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 219

Legal Deadline: None.

Abstract: FRA is actively supporting legislation that has been introduced in the Congress that would require random testing of railroad employees and enhance FRA's authority in this area. In the meantime, FRA has held an informal safety inquiry to secure information from the public that will assist FRA in drafting a random-testing rule and in evaluating all other issues surrounding FRA's rule on the control of alcohol and drug use in railroad operations. At such time as random-testing legislation is enacted, FRA will be in a position to quickly issue an NPRM. If, for any reason, random-testing legislation is not enacted, FRA will nevertheless proceed with an NPRM dealing with random testing and any other appropriate amendment to FRA's rule.

Timetable:

Action	Date	FR Cite
Notice of Informal Safety Inquiry	01/20/87	52 FR 2118
Public Hearing, Washington, D.C.	02/18/87	
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter C. Rockey, Jr., Executive Assistant to the Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA43

1963. RULES OF PRACTICE

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 49 CFR 211

Legal Deadline: None.

Abstract: Action would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA07

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions

1964. ● RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION AND INVESTIGATION

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 225

Legal Deadline: None.

Abstract: This rule increases the reporting threshold from $4,900 to $5,200 for railroad accidents/incidents involving property damage that occur during calendar year 1987. This action is needed to ensure that the FRA reporting requirements reflect cost increases that have occurred since the reporting threshold was last computed in 1984. In addition, FRA is amending one section in 49 CFR Part 225 to make a minor technical improvement in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	12/30/86	51 FR 47018
Final Action Effective	01/01/87	51 FR 47018

Small Entity: No

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Philip Olekszyk, Deputy Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20036, 202 366-0895

RIN: 2130-AA42

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Urban Mass Transportation Administration (UMTA)

1965. + MAINTENANCE OF EQUIPMENT AND FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 636

Legal Deadline: None.

Abstract: This regulation would require each transit agency that receives Federal financial assistance to have a maintenance program that states maintenance goals and objectives, provides for adequate maintenance for both fixed facilities and equipment, and provides for adequate personnel to meet the goals and objectives of the program. The proposed rule would also require that each transit agency retain or assemble information necessary for UMTA to review the transit agency's actual maintenance activities and make determinations on compliance as required by statute. This rule is significant because it concerns a matter on which there is substantial controversy. UMTA is reviewing this initiative to determine if rulemaking is practicable.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The Surface Transportation Assistance Act of 1982 (1982 STAA) included maintenance provisions in both sections 3 and 9 of the UMT Act. In the new section 9 block grant program, Congress provided that all recipients must certify that they will maintain facilities and equipment. UMT Act section 9(e)(3)(B). Section 9(g)(1) authorizes UMTA to determine by review or audit whether the recipients have complied with the maintenance requirement. The 1982 STAA also amended the section 3 discretionary grant and loan program by adding a provision that requires applicants to have sufficient capability to maintain facilities and equipment obtained with Federal assistance. UMT Act 3(a)2(A)(iii). This proposed regulation would provide UMTA with the information necessary to implement these provisions.

Agency Contact: Kenneth F. Bolton, Department of Transportation, Urban Mass Transportation Administration, Office of Policy, UMTA, 400 Seventh Street, SW, Room 9311, Washington, DC 20590, 202 366-4060

RIN: 2132-AA26

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Urban Mass Transportation Administration (UMTA)

1966. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615 UMT Act Sec. 19

CFR Citation: 49 CFR 626

Legal Deadline: None.

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Yes

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1987.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Clifford T. Lee, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 7412, Washington, DC 20590, 202 366-0814

RIN: 2132-AA01

1967. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 615

Legal Deadline: None.

Abstract: This regulation, which is being reviewed in light of pending legislative action, would set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major capital investment projects. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Don Emerson/Theodore A. Munter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9228, Washington, DC 20590, 202 366-1936

RIN: 2132-AA22

1968. + EXTENSION OF SAFETY REQUIREMENTS TO ALL FEDERALLY ASSISTED BUSES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 637

Legal Deadline: None.

Abstract: On October 1, 1982, UMTA rescinded its policy making advanced design bus specifications (The "White Book") mandatory for its grantees, but continued to mandate certain safety

DOT—UMTA **Proposed Rule Stage**

requirements applicable to advanced design buses. On October 16, 1984, UMTA issued an ANPRM on whether these safety requirements should be extended to other buses financed by UMTA. This rulemaking is significant because of substantial public interest and controversy and because of the potential impact on the bus industry.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/84	49 FR 40426
NPRM	07/00/87	

Small Entity: Undetermined

Additional Information: ANPRM asked for comments on what benefits would be derived from mandating these requirements; what their financial impact on manufacturers and grantees would be; and whether competition in bus markets would significantly be affected by these.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 07/00/87

Agency Contact: Kenneth E. Bolton, Director of Policy, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9300, Washington, DC 20590, 202 366-4060

RIN: 2132-AA24

1969. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None.

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 USC 1602(g)) on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM in 1987.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	09/00/87	

Small Entity: Yes

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" school bus service. The public comment period closed November 26, 1982.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/00/87

Agency Contact: Katherine Cowen, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1936

RIN: 2132-AA09

1970. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None.

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 366-4836 of FHWA.

Analysis: Regulatory Evaluation 04/00/87

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0096

RIN: 2132-AA19

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage
Urban Mass Transportation Administration (UMTA)

1971. + CHARTER BUS OPERATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Legal Deadline: None.

Abstract: These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 USC 1602(f)) on charter bus operations by UMTA recipients. UMTA will publish a final rule in 1987.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
NPRM	03/06/86	51 FR 7892
NPRM Comment Period End	06/19/86	51 FR 18966
Final Action	04/00/87	

Small Entity: Yes

Additional Information: ADDITIONAL LEGAL AUTHORITY: On March 6, 1986, UMTA published an NPRM to revise the existing rule. The proposal would prohibit an UMTA recipient from providing any charter bus service using UMTA facilities and equipment if there were a willing and able private charter bus operator. The NPRM does propose some exceptions to this. The comment period closed on May 5, 1986, but was reopened on May 20, 1986 for an additional 30 days until June 19, 1986.

Public Compliance Cost: Initial Cost: $11,322; Yearly Recurring Cost: $10,272

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: Draft Regulatory Analysis 03/06/86 (51 FR 7892); Final Regulatory Analysis 04/00/87

Agency Contact: Douglas G. Gold, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1936

RIN: 2132-AA04

1972. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 1653(f)

CFR Citation: 23 CFR 771; 49 CFR 622

Legal Deadline: None.

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Fred Skaer, FHWA, (202) 366-2050. Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM was published on August 1, 1983.

Analysis: Regulatory Evaluation 08/01/83

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0096

RIN: 2132-AA03

1973. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424 Surface Transportation Assistance Act of 1982 Sec 165

CFR Citation: 49 CFR 661

Legal Deadline: None.

Abstract: This rulemaking, which implements Section 165 of the Surface Transportation Assistance Act of 1982 (P.L. 97-424) would amend the existing regulations which were published in 1983. The amendment to the regulations would concern the identification and tracing of subcomponents in rolling stock procurements.

Timetable:

Action	Date	FR Cite
Emergency Final Rule	09/15/83	49 FR 41562
Final Action	11/00/87	

Small Entity: Yes

Additional Information: When the regulation was published in 1983, UMTA requested comments on how it should treat both domestic and foreign subcomponents in calculating the cost of components in rolling stock procurements. UMTA proposed using an existing Bureau of Customs procedure to trace subcomponents produced in the U.S. which are shipped abroad and then assembled into another article and returned to the U.S. Foreign-made subcomponents which are imported into the U.S. can also be traced using Customs documentation. The amended regulations would reflect comments received on the 1983 NPRM and experience to date.

Government Levels Affected: Local, State, Federal

Agency Contact: Edward J. Gill, Jr., Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4063

RIN: 2132-AA15

1974. INNOVATIVE TECHNIQUES AND METHODS

Significance: Nonsignificant

Legal Authority: 49 USC 1603(i)

CFR Citation: 49 CFR 644

Legal Deadline: None.

Abstract: These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79669
To be withdrawn	04/00/87	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Innovative Techniques and Methods 4(i). UMTA will withdraw the NPRM and publish a Circular that will be described in the Federal Register. Until then, however, the NPRM should be used as guidance.

Analysis: Regulatory Evaluation 12/01/80

Agency Contact: Joseph Goodman, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4995

RIN: 2132-AA05

1975. MISCELLANEOUS AMENDMENTS - ORGANIZATION, FUNCTIONS, AND PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1657; 49 USC 1659

CFR Citation: 49 CFR 601

Legal Deadline: None.

Abstract: These amendments will reflect modifications in the organization and distribution of functions within the Urban Mass Transportation Administration.

Timetable:

Action	Date	FR Cite
Final Action	11/30/87	

Small Entity: No

Agency Contact: Henry T. Carter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2485

RIN: 2132-AA06

DOT—UMTA — Final Rule Stage

1976. TECHNOLOGY INTRODUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1602(a)(1)(c)

CFR Citation: 49 CFR 641

Legal Deadline: None.

Abstract: These regulations would implement Section 3(a)(1)(c) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5832
To be withdrawn	04/00/87	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Technology Introduction 3(a)(1)(c). UMTA has decided to withdraw this rulemaking activity and to issue it as a Circular that will be described in the Notice section of the Federal Register. Until then, the January 19, 1981 NPRM should be used as guidance.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: George Izumi, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0220

RIN: 2132-AA07

1977. SECTION 15 REPORTING REQUIREMENTS FOR SECTION 9 APPORTIONMENT GRANTS; PENALTY PROCEDURES FOR NONCOMPLIANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1607; 49 USC 1611

CFR Citation: 49 CFR 630

Legal Deadline: None.

Abstract: This regulation would simplify Part 630 and implement procedures to handle late reporters, missing certifications and deadhead miles in order to provide more timely Section 9 formula apportionments based on the most valid data available.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 17144
NPRM Comment Period End	07/07/86	
Final Action	04/00/87	

Small Entity: No

Additional Information: This NPRM was published on May 7, 1986, with the comment period ending July 7, 1986. A Final Rule will be published in 1987.

Analysis: Regulatory Evaluation 05/07/86 (51 FR 17144)

Agency Contact: Ron Fisher, Director, Information Services, Department of Transportation, Urban Mass Transportation Administration, URT-7, 202 366-9157

RIN: 2132-AA23

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

Urban Mass Transportation Administration (UMTA)

1978. + PRIVATE ENTERPRISE PARTICIPATION

Significance: Agency Priority

Legal Authority: 49 USC 1607(e); 49 USC 1602(e); 49 USC 1607a(f)

CFR Citation: 49 CFR 614

Legal Deadline: None.

Abstract: UMTA had considered proposing regulations which would encourage, to the maximum extent feasible, the participation of private enterprise in plans and programs that receive Federal funding under the UMT Act. However, on January 29, 1986, UMTA published a Notice in the Federal Register providing more specific guidance to its grantees relating to private enterprise participation for fiscal year 1986. That Notice stated that it would be followed by a Circular establishing guidance for future years. The Circular, issued on December 5, 1986, reflects specific congressional guidance in the 1987 DOT Appropriations Act (Pub. L. 99-500) relating to private enterprise participation, and provides guidance to UMTA grantees on the private sector provisions of the UMT Act. A Notice of the availability of the Circular was published in the Federal Register on December 10, 1986.

Timetable:

Action	Date	FR Cite
Action Completed	12/10/86	51 FR 44545

Small Entity: Undetermined

Agency Contact: Scott A. Biehl/Douglas Birnie, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9223, Washington, DC 20590, 202 366-1666

RIN: 2132-AA20

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

Research and Special Programs Administration (RSPA)

1979. ● + STATE PIPELINE SAFETY INSPECTOR STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2004; 49 USC 1674

CFR Citation: 49 CFR 190

Legal Deadline: None.

Abstract: This action will propose standards for State personnel who engage in compliance activities under the Federal/State cooperative pipeline safety program. Members of Congress and the Department's pipeline safety advisory committees support this initiative to obtain uniformity and competency in carrying out the nationwide pipeline safety enforcement program.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	
NPRM	03/00/88	

Small Entity: No

Agency Contact: C. DeLeon, Assistant Director for Regulations, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-1640

RIN: 2137-AB28

1980. + DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Legal Deadline: None.

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042

Next Action Undetermined

Small Entity: No

Additional Information: Docket HM-36B.

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA51

1981. + CONFIDENTIAL TREATMENT: AVIATION ECONOMICS - RELATED MATERIAL

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1482

CFR Citation: 14 CFR 302

Legal Deadline: None.

Abstract: This rule would revise the procedures governing requests for confidential treatment of material filed with the Department to clarify the relation between those procedures and the Freedom of Information Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4484

RIN: 2137-AB02

1982. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None.

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Suggested terminology is being coordinated with the Technical Pipeline Safety Standards Committee and State agencies in advance of a formal proposal for public comment.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB15

1983. + OST-FAA INFORMATION RULES: STANDARDIZED REGULATORY FLEXIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 298; 14 CFR 399

Legal Deadline: None.

Abstract: The threshold for the aviation-information program for regulatory flexibility analysis is 60 seats or maximum payload of 18,000 pounds or less. Carriers operating aircraft under these limits are considered small carriers. FAA, on the other hand, uses a threshold based on the operational certificate requirements (Part 121 versus Part 135) with the threshold established at 30 seats or maximum payload of 7,500 pounds for a Part 135 certificate. FAA regulatory analysis for safety, congestion, etc., centers around the lower threshold which means much of the aviation economic information that they use has to be manipulated to fit their needs. This proposal of standardizing the threshold within the Department would save considerable resources and would eliminate much confusion in the air transportation industry. Most carriers, especially the newer ones, are familiar with FAA's requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB16

1984. ● + PERFORMANCE-ORIENTED CLASSIFICATION AND PACKAGING STANDARDS FOR EXPLOSIVES AND BLASTING AGENTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177; 49 CFR 178

Legal Deadline: None.

Abstract: This rulemaking would amend the Hazardous Materials Regulations (HMR) pertaining to Explosives and Blasting Agents to

incorporate features found in the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: Charles H. Ke, Chemist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4495

RIN: 2137-AB25

1985. ● + TRAINING PROGRAM GUIDELINES

Significance: Agency Priority

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172 to 177

Legal Deadline: None.

Abstract: This regulation proposes to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/87	

Small Entity: Undetermined

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4415

RIN: 2137-AB26

1986. ● + PROPOSALS FOR PIPELINE SAFETY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None.

Abstract: This action sets forth various pipeline program options and requests marking to enhanced public education. The comments will be considered in determining the future course of action with respect to the pipeline program.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/87	

Small Entity: Undetermined

Agency Contact: L. M. Furrow, Chief, Standards Division, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-2392

RIN: 2137-AB27

1987. ● REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None.

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for all the carriers' on-line passengers. The Department is considering proposing a new traffic and market data system for certificated and foreign air carriers. This system could be used for commuter air carriers providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB18

1988. REVISION OF OPERATING PROCEDURES FOR MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 177

Legal Deadline: None.

Abstract: Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 261-78

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA07

1989. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 176

Legal Deadline: None.

Abstract: Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 279-78

Agency Contact: H. Mitchell/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh

Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA10

1990. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None.

Abstract: The Department is considering proposing exceptions from the regulations for private carriers which are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 298-82.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA28

1991. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering addressing the possibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 300-83.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA29

1992. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering this proposal to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 291-80.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA30

1993. DOT SPECIFICATION 51 PORTABLE TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178.245; 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering revisions to requirements for DOT Specification 51 Portable Tanks including, but not limited to, use of bottom outlets and emergency discharge controls. Consideration will also be given to adoption of certain provisions of the recommendations of the United Nations (UN) and International Maritime Organization (IMO).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 302-83.

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4415

RIN: 2137-AA36

1994. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None.

Abstract: Would eliminate existing Specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. HM-23.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA63

1995. REVISION OF THE IM TANK TABLE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: Would revise the IM Tank Table to incorporate interim approvals issued since April of 1981 and other changes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. HM-167A

Agency Contact: Lee Jackson/Charles Ke, Department of Transportation, Research and Special Programs

DOT—RSPA

Prerule Stage

Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA64

1996. REWRITE AND RECODIFICATION OF SECTION 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173.34

Legal Deadline: None.

Abstract: The recodification and rewrite of Sec. 173.34 would provide industry with regulations set up by the functions to be performed. It is anticipated that the rewrite would provide a more simplified and readable regulation. The proposal would include the consolidation of DOT specification seamless steel and aluminum cylinders (Project 123-71) and the requalification, maintenance, and use requirements which will be provided under the new Part 180.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project No. 305-83

Analysis: Regulatory Evaluation 03/00/87

Agency Contact: M. Morris, Technical Staff, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA73

1997. AIRLINE REVENUE/NONREVENUE, FIRST CLASS/COACH PASSENGERS: REVISED DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in section 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air-fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of new air fares in the marketplace, these definition may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB00

1998. SUBSIDIZED COMMUTER CARRIERS: RECORDS AND RETENTION PERIODS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None.

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; require foreign air carriers submitting traffic and market data to retain records in support of their submissions; modify or eliminate several of the records prescribed for retention by public charter operators and overseas operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB04

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Proposed Rule Stage

1999. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178

Legal Deadline: None.

Abstract: To develop performance-oriented packaging standards and hazardous material classification based on the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/82	47 FR 16268
Correction Document and Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/00/82	47 FR 40816
NPRM	03/01/87	

Small Entity: No

Additional Information: Docket No. HM-181. Further action to be determined from evaluation of comments received on ANPRM.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 03/01/87

Agency Contact: T. Charlton, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA01

2000. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM FOREIGN AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 217; 14 CFR 241

Legal Deadline: None.

Abstract: DOT is proposing a rule that would require submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to evaluate existing bilateral agreements and reciprocity between U.S. and foreign countries. In addition international charter data currently collected from carriers may also be incorporated with service-segment reporting. This information may very well replace some of the data currently collected by the Immigration and Naturalization Service (INS) on Form I-92. Although there will be some start-up costs, it is anticipated that over the long run there will be substantial savings for both the industry and the government. See 2137-AB01 for companion rule for U.S. air carriers.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	06/01/87	
Final Action	01/01/88	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA97

2001. + ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: As part of the continuing effort to align the DOT's aviation accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most air carriers.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	08/31/87	
Final Action	03/31/88	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA99

2002. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM U.S. AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: Large U.S. air carriers file detailed service segment data in ADP format for scheduled operations, while smaller carriers file a condensed version on a hardcopy form. Charter data is filed on another form. The Department will issue a rulemaking proposing to incorporate all three systems onto one automated data system by standardizing the reporting between scheduled and charter operations. Much of the data currently collected will be proposed for elimination. Also, much of the data reported on the hardcopy Form 41 T-Schedules can be eliminated, since the foreign air carrier traffic and market reporting (2137-AA97) will be incorporated into this automated system providing a uniform traffic and market system for the Department.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	06/01/87	
Final Action	01/01/88	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB01

2003. + CONFIDENTIALITY OF PARTS 241 AND 298 AIRLINE REPORTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 241; 14 CFR 298

Legal Deadline: None.

DOT—RSPA

Proposed Rule Stage

Abstract: This rule would consider whether some components of individual carrier's reports submitted under Parts 241 and 298 should be kept confidential and for how long.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	12/31/87	
Final Action Effective	01/01/89	

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB05

2004. + RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: Proposed consolidation and revision of the regulations on the classification and packaging of explosives, and the alignment of these regulations with the recommendations of the United Nations Committee of experts on the transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Project 306-83

Agency Contact: Charles Ke/H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA93

2005. REVIEW: CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: The Department is proposing revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 123-71)

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Agency Contact: James O'Steen, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA92

2006. DEFINITION OF A FLAMMABLE SOLID

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Notice of Proposed Rulemaking would propose new standards for classifying a material as a flammable solid. This rule was previously a part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of this ANPRM on May 7, 1981 (46 FR 25492).

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492
NPRM	12/00/87	

Small Entity: No

Additional Information: Docket No. HM-178

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4496

RIN: 2137-AA05

2007. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None.

Abstract: Proposal would result in ending of permitting "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	44 FR 1179

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA08

2008. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: Development of new standards for classifying a material as an oxidizing material.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-179

Agency Contact: M. Morris/C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA11

2009. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None.

Abstract: NPRM solicits comments on the benefit of requiring LP gas to be odorized. Odorization will enhance its

identification during transportation in commerce.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Supplemental	03/01/87	

Small Entity: No

Additional Information: Docket No. HM-126E

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA25

2010. CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE NEAR CERTAIN OCCUPIED BUILDINGS OR OUTSIDE AREAS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.5(d)(2)

Legal Deadline: None.

Abstract: This proposal would eliminate the rule which requires operators to confirm or revise the maximum allowable operating pressure of a pipeline, when a building or recreational area that will be used infrequently is constructed near the pipeline.

Timetable:

Action	Date	FR Cite
ANPRM	09/05/85	50 FR 36116
ANPRM Comment Period End	01/03/86	50 FR 45845
NPRM	09/18/86	51 FR 29504
NPRM Comment Period End	11/17/86	51 FR 29504

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. PS-84

Analysis: Regulatory Evaluation 09/18/86 (51 FR 29504)

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AA62

2011. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

Significance: Nonsignificant

Legal Authority: 49 USC 178; 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None.

Abstract: This rulemaking responds to a Department of Energy request that we improve the water resistance of overpacks used in the transportation of enriched uranium hexafluoride.

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period End	09/12/84	
NPRM - New	09/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 08/16/84 (49 FR 32774)

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA72

2012. LIMITATION ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None.

Abstract: Proposes the removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible location.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entity: No

Additional Information: Further action to be determined based on NPRM comments.

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Agency Contact: Elaine Economides, Acting, International Standards Coordinator, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4467

RIN: 2137-AA85

2013. EMERGENCY RESPONSE COMMUNICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None.

Abstract: This proposal solicits comments on the potential benefits and consequences of requiring additional emergency response information on shipping papers and in vehicles when transporting hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048
NPRM	03/01/87	

Small Entity: Yes

Additional Information: HM-126C

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA88

2014. BULK PACKAGINGS AND MISCELLANEOUS RULE CHANGES

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: Prescribes marking requirements for bulk packagings and bulk transport vehicles that are not portable tanks, cargo tanks or tank cars. A definition for bulk packaging is provided. Also included are five minor revisions pertinent to marking, to

correct, clarify, and enhance compliance with the communication regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Comment Period End	12/28/84	49 FR 38164

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-126D.

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA90

2015. COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None.

Abstract: DOT is proposing to collect basic financial information from the commuter carriers providing scheduled passenger service. Data would be used for safety purposes, fitness reviews, and various economic analyses such as trust-fund revenue generation, and airport and airways development.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	05/01/87	

Small Entity: Yes

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA98

2016. HAZARDOUS MATERIALS: URANIUM HEXAFLUORIDE

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 172.101; 49 CFR 173.420

Legal Deadline: None.

Abstract: RSPA proposes to incorporate the existing industry packaging standards for Uranium Hexafluoride (UF6), specifically, American National Standards Institute Standard N 14.1 - 1982, into the Hazardous Materials Regulations (49 CFR Parts 100-179). Additionally, the requirement that UF6 be shipped in solid form is believed necessary to reduce the possibility of packaging failure and/or accidental release of UF6 during transportation. Because of the safety record exhibited by packagings filled and maintained in accordance with the ANSI Standard, development of new standards would be impractical. Incorporation of existing standards believed to be currently followed by industry is the most cost-effective method of establishing Federal standards and increasing conformity and safety in transportation of UF6. In response to numerous petitions for reconsideration from industry dealing with the use of existing packagings, the Department will reopen this specific issue in the new NPRM.

Timetable:

Action	Date	FR Cite
NPRM	04/11/86	51 FR 12529
NPRM Comment Period End	07/01/86	51 FR 12529
Interim Final Rule	11/18/86	51 FR 41631
Revision to Final Rule	12/24/86	51 FR 46874
NPRM New	06/00/87	

Small Entity: No

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AB10

2017. ● EXCEPTION FROM PRESSURE TESTING NON-WELDED TIE-IN JOINTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.503(d)

Legal Deadline: None.

Abstract: The current exception from pressure testing welded tie-in joints would be expanded to include all types of tie-in joints. This change would be consistent with the intent of the original rule and would have minimal cost impact.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Additional Information: Petition P-20; New England Gas Association; January 27, 1983

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB19

2018. ● CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE; ALTERNATE METHOD

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.611(a)

Legal Deadline: None.

Abstract: This action proposes an alternate method for confirmation or revision of the maximum allowable operating pressure of pipe- lines previously tested to less than 90 percent of specified minimum yield strength. The alternate method would allow operators to establish a maximum allowable operating pressure in proportion to the level permitted for pipelines tested to 90 percent of specified minimum yield strength, or more, without retesting the pipeline. Considerable cost savings are expected.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: Petition P-29, Gas Piping Technology Committee

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB20

2019. ● TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: Various clarifying and editorial changes would be made to the gas pipeline safety standard. Minimal cost and benefits are expected.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: Petition P-15; New England Gas Association; June 19, 1981

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB22

2020. ● REPORTING SAFETY-RELATED CONDITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1672(a); 49 USC 2002(a)

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: Statutory, October 22, 1987, October 22, 1987. H.R. 2092, enacted 10/22/86

Abstract: Operators would be required to report within five days of discovery any condition that could be an imminent danger or affect pipeline operational safety. The report would enable State and Federal agencies to investigate promptly. Few reports are expected, and the cost impact would be minimal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB23

2021. ● DELETION OF STANDARDS INCORPORATED BY REFERENCE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: This action proposes to delete the existing incorporation by reference of various documents intended for use in the design of gas pipelines. The materials to which the documents pertain are no longer generally used for gas pipelines so that reference to the documents can be deleted without affecting safety.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: No

Additional Information: This action is part of a continuing effort to update or modify, as apropriate, references to voluntary standards documents.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB24

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

Research and Special Programs Administration (RSPA)

2022. + REVIEW OF THE FORM 41 REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: OMB stated that the continuation of uniform, detailed financial and operating reporting of domestic air transportation appears to be contrary to airline deregulation. This final rule concluded that certain domestic Form 41 data is still needed by the Department. This rule eliminated three schedules and over 30 percent of the data elements contained in the Form 41 report. Operating expenses are to be reported by cost pools instead of by function and objective account.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	08/23/85	50 FR 34366
NPRM Comment Period End	10/22/85	
Final Action	03/01/87	
Final Action Effective	06/01/87	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA96

2023. + SPECIFICATION AND USE REQUIREMENTS FOR MC 306, MC 307, AND MC 312 CARGO TANKS (INCLUDING PROJ. 301-83 AND INCORPORATES DOCKET HM 183)

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Legal Deadline: None.

Abstract: The rule would modify cargo tank specifications in section 178.337-178.343 to improve clarity, quality

control and safety and to provide for the manufacture of vacuum-loaded cargo tanks. It would also provide inspection, test, maintenance, repair, and requalification standards for cargo tanks. This rulemaking is being performed in conjunction with the FHWA.

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37767
Corrections and Clarifications	12/05/85	50 FR 49866
NPRM Comment Period End	05/22/86	
Final Action	10/00/87	

Small Entity: Undetermined

Additional Information: Docket No. HM-183A

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37767)

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA42

2024. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
NPRM	06/03/86	51 FR 19866

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. HM-166U.

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10780)

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA44

2025. GAS PIPELINE DAMAGE PREVENTION PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.614

Legal Deadline: None.

Abstract: The current damage-prevention program requirements would be revised so that pipeline operators would not have to take any action when notified of excavations in areas that do not contain buried gas pipelines.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49575
NPRM Comment Period End	02/03/86	50 FR 49575
Final Action	04/01/87	

Small Entity: No

Additional Information: Docket No. PS-88

Analysis: Regulatory Evaluation 12/03/85 (50 FR 49575)

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AA71

2026. FIRE PROTECTION AND SECURITY OF LIQUEFIED NATURAL GAS FACILITIES

Significance: Nonsignificant

Legal Authority: 49 USC 1674a

CFR Citation: 49 CFR 2801; 49 CFR 2901

Legal Deadline: None. 49 USC 1674a(b)

Abstract: The action will extend the scope of existing regulations for fire protection and security of liquefied natural gas facilities to cover facilities at waterfront plants except facilities used in marine cargo transfer and facilities located in navigable waters. Minimal costs and benefits are expected, but action will comply with statutory mandate for regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 18007
NPRM Comment Period End	08/14/86	51 FR 18007
Final Action	04/01/87	

Small Entity: No

Additional Information: (Docket No. PS-89) Fire protection and security of marine cargo transfer facilities and facilities in navigable waters are to be regulated by the U.S. Coast Guard under a memorandum of understanding governing waterfront plants.

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2392

RIN: 2137-AB13

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Completed Actions

2027. + REVIEW OF SAMPLE SIZE AND ADMINISTRATION OF THE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: OMB mandated that the 10-percent sampling requirement contained in the Passenger Origin-Destination Survey be eliminated and that a requirement that the collection include a statistically valid sample be substituted. This final rule reduces the sample size for the largest domestic markets. Also, Intra-Alaskan carriers are included for the first time and carriers may report duplicate data or eliminate duplication by using the participating carrier list.

DOT—RSPA **Completed Actions**

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	10/22/85	50 FR 42870
Final Action	03/04/87	52 FR 6524
Final Action Effective	07/01/87	52 FR 6524

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AA95

2028. + HAZARDOUS SUBSTANCES

Significance: Agency Priority

Legal Authority: PL 99-499, Sec 202

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: Statutory, November 17, 1986. Section 202 of Pub. L. 99-499, the Superfund Amendments and Reauthorization Act (SARA) amended CERCLA on October 17, 1986 and required the Secretary to list and regulate hazardous substances as hazardous materials within 30 days.

Abstract: This final rule amends the Hazardous Materials Regulations (HMR) by incorporating into these regulations as hazardous materials, substances designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA; Pub. L. 96-510).

Timetable:

Action	Date	FR Cite
ANPRM	08/08/83	48 FR 35965
ANPRM Comment Period End	10/12/83	
Extension of time for public comment to 11/16/83.	10/19/83	48 FR 48483
NPRM	06/23/86	51 FR 22902
NPRM Comment Period End	08/25/86	51 FR 22902
Final Action	11/21/86	51 FR 42174
Final Action Effective	12/24/86	51 FR 46672

Small Entity: No

Additional Information: HM-145F. Docket HM-145E will be published as a final rule in the near future, addressing those issues not resolved in HM-145F.

Agency Contact: Lee Jackson/George Cushmac, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA68

2029. + OVERSALES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Legal Deadline: None.

Abstract: This rule changed the filing frequency of Form 251 "Report of Passengers Denied Confirmed Space" from monthly to quarterly. This report shows the number of passengers denied confirmed space by U.S. and foreign air carriers and how those passengers were accommodated.

Timetable:

Action	Date	FR Cite
NPRM	03/08/86	51 FR 94590
NPRM Comment Period End	05/19/86	
Final Action	08/27/86	51 FR 30475
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Research and Special Programs Administration, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB17

2030. INTERVAL FOR REVIEW AND CALCULATION OF RELIEF DEVICE CAPACITY

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.743

Legal Deadline: None.

Abstract: The regulation was revised to permit the review and calculation of relief device capacity to be made at the prescribed interval for testing and inspection of relief devices. Minimal cost savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	06/17/86	51 FR 21939
NPRM Comment Period End	08/18/86	51 FR 21939
Final Action	11/18/86	51 FR 41633
Final Action Effective	12/18/86	51 FR 41633

Small Entity: No

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137–AB12

2031. EXCEPTIONS FOR NONDESTRUCTIVE TESTING OF WELDS IN TRANSMISSION LINE REPAIR

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.719(a)(2)

Legal Deadline: None.

Abstract: The regulation would provide exceptions from the requirement to nondestructively test girth welds made in the repair of transmission lines by pipe replacement. The exceptions are the same as those that apply to the replacement of pipe in general. They would reduce repair costs and speed transmission line repair.

Timetable:

Action	Date	FR Cite
NPRM	07/02/86	51 FR 24174
NPRM Comment Period End	08/18/86	51 FR 24179
Final Action	11/18/86	51 FR 41634
Final Action Effective	12/18/86	51 FR 41634

Small Entity: No

Additional Information: Docket No. PS-92

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2392

RIN: 2137–AB14

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Maritime Administration (MarAd)

2032. ● + CONSTRUCTION-DIFFERENTIAL SUBSIDY REPAYMENT

Significance: Regulatory Program

Legal Authority: 46 USC 1114(b); 46 USC 1117; 46 USC 1204; 46 USC 1156

CFR Citation: 46 CFR 276.3

Legal Deadline: Judicial, July 16, 1987.

Abstract: The Department issued a rule in 1985 allowing vessels built with construction-differential subsidy (CDS) to repay that CDS in exchange for permission to operate in the domestic trade. Section 506 of the Merchant Marine Act of 1936, as amended, prohibits CDS vessels from operating in the domestic trade. This action will address the decision by U.S. Court of Appeals for the District of Columbia which vacated the Department's CDS Repayment rule (50 FR 19170, May 7, 1985). The court delayed the effective date of its order to vacate the rule until July 16, 1987, to allow the Department to undertake further proceedings to address the problems of the merchant marine trade. The Department is initiating a rulemaking proceeding to replace the vacated rule by the deadline established by the court.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 442 Deep Sea Domestic Transportation

Agency Contact: Lynne Adams-Whitaker, Chief, Division of Regulations, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5181

RIN: 2133-AA61

2033. + REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Agency Priority

Legal Authority: 46 USC 1295

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: The Maritime Administration provides support to six State maritime schools for maritime education. The Federal support is outlined in agreements that have been executed between MARAD and the schools. The existing regulations will be revised to reflect changes in these agreements due to decreased federal support.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 822 Colleges, Universities, Professional Schools, and Junior Colleges

Government Levels Affected: State, Federal

Agency Contact: Arthur W. Friedberg, Director, Office of Maritime Labor & Training, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5755

RIN: 2133-AA57

2034. ● + PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1156

CFR Citation: 46 CFR 250

Legal Deadline: None.

Abstract: This regulation now establishes conditions for MARAD approval of tanker vessels over 100,000 dwt built with CDS, for participation in the carriage of Alaskan oil from Alaska to the Panama Canal. MARAD is reassessing the need for this regulation in light of the experience in administering its provisions, its policy of allowing total repayment of CDS (46 CFR Part 276) and litigation challenging these policies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Frances Olsen, Chief, Division of Trade Studies, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2282

RIN: 2133-AA62

2035. REVIEW OF ALL MARAD PROGRAM REGULATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR Chapter II

Legal Deadline: None.

Abstract: MARAD is reviewing its regulations in their entirety to identify regulations that are obsolete, or which need updating.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 373 Ship and Boat Building and Repairing; 441 Deep Sea Foreign Transportation

Agency Contact: Harris L. Kane, Attorney-Adviser, Office of Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 7221, Washington, DC 20590, 202 366-5181

RIN: 2133-AA56

2036. STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION HEARINGS

Significance: Nonsignificant

Legal Authority: 46 USC 1175

CFR Citation: 46 CFR 207

Legal Deadline: None.

Abstract: Rulemaking would propose procedures that would assist preparation of standard forecasts of liner cargo (if a Final Rule covering ODS application hearing procedures is issued) in which forecast procedures would be included.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Further action dependent on disposition of RIN 2133-AA20.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2400

RIN: 2133-AA16

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Proposed Rule Stage

2037. + APPROVAL OF MARINE HULL UNDERWRITERS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1279(b)

CFR Citation: 46 CFR 299, (New)

Legal Deadline: None.

Abstract: This notice of proposed rulemaking would establish MARAD's criteria for accepting an organization as an underwriter on any policy of insurance covering vessels under Title XI and Title VI programs or other MARAD administered aid programs.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41531
ANPRM Comment Period End	11/12/85	
Public meeting	04/17/86	
NPRM	05/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/01/87

Agency Contact: William B. Ebersold, Maritime Aids Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8126, Washington, DC 20590, 202 366-0364

RIN: 2133-AA50

2038. + CARGO PREFERENCE - IMPLEMENTATION OF P.L. 99-198

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381

Legal Deadline: None.

Abstract: These amendments to the existing cargo-preference regulations will implement S1142 of P.L. 98-198, the Food Security Act of 1985, that clarifies the applicability of cargo-preference requirements to the shipment of U.S. agricultural products. It provides for an increase in the required percentage of carriage on U.S.-flag vessels of agricultural commodities not specifically exempted from cargo-preference requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Government Levels Affected: Federal

Analysis: Draft Evaluation 04/00/87

Agency Contact: Lewis C. Paine, Director, Office of Market Development, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5517

RIN: 2133-AA55

2039. REVIEW: WAR RISK INSURANCE

Significance: Nonsignificant

Legal Authority: 46 USC 1283

CFR Citation: 46 CFR 308

Legal Deadline: None.

Abstract: MARAD is considering whether to expand eligibility for War Risk Insurance to foreign flag vessels other than those documented under the laws of Panama, Liberia or Honduras, that are effectively U.S.-controlled vessels.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: 44 Water Transportation; 633 Fire, Marine, and Casualty Insurance

Agency Contact: Jack Malkin, Chief, Div. of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8121, Washington, DC 20590, 202 366-4161

RIN: 2133-AA54

2040. RULES OF PRACTICE AND PROCEDURES FOR HEARING IN ODS APPLICATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 201; 46 CFR 208; 46 CFR 251

Legal Deadline: None.

Abstract: Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208, that would establish a standard discovery order and standard techniques for forecasting the adequacy of U.S.-flag liner service in hearings required under the Merchant Marine Act, 1936.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003
Next Action Undetermined		

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2400

RIN: 2133-AA20

2041. ● REGULATIONS GOVERNING PUBLIC BUILDINGS AND GROUNDS AT THE U.S. MERCHANT MARINE ACADEMY

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 386, New

Legal Deadline: None.

Abstract: MARAD is proposing new regulations to enhance the security of buildings and grounds at the U.S. Merchant Marine Academy, located at Kings Point, New York, as well as the security of persons entering in or on

such property. MARAD has the responsibility for operating the Academy, pursuant to authority delegated by the General Services Administration and the Secretary of Transportation. The regulations would also confirm the appointment of special police for the protection of buildings, grounds and equipment at the Academy.

Timetable:

Action	Date	FR Cite
NPRM	02/11/87	52 FR 4357
NPRM Comment Period End	03/30/87	52 FR 4357

Small Entity: No

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges

Government Levels Affected: State, Federal

Agency Contact: John J. White, Logistics Management Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 7225, Washington, DC 20590, 202 366-2812

RIN: 2133-AA60

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Maritime Administration (MarAd)

2042. + CARGO PREFERENCE U.S.-FLAG VESSELS; DETERMINATION OF FAIR AND REASONABLE RATES FOR LINER VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None.

Abstract: Regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo at the request of concerned Federal agencies. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5012
Final Action	04/00/87	

Small Entity: No

Analysis: Final Regulatory Evaluation 04/00/87

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA02

2043. + CARGO PREFERENCE, U.S.-FLAG VESSELS: DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None.

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. MARAD would calculate guideline fair and reasonable rates using a methodology which would base those rates on a vessel's actual or constructed costs as determined from data submitted by the operator. It would establish requirements for submission of data on which the methodology would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
NPRM Supplemental	12/17/86	51 FR 45135
Final Action	05/00/87	

Small Entity: No

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN = 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Affected Sectors: 441 Deep Sea Foreign Transportation

Analysis: Supplemental Draft Evaluation 12/17/86

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA43

2044. + NOTICE OF INTENT TO REDESIGNATE ESSENTIAL TRADE ROUTES

Significance: Regulatory Program

Legal Authority: 46 USC 1121

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The Maritime Administration intends to redesignate U.S., foreign trade routes determined to be essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States, under authority in the Merchant Marine Act, 1936. There have been no substantial changes in essential trade route designations since the Act's enactment, other than inclusion of the U.S. Great Lakes. This action recognizes that in recent years major changes in shipping technology and U.S. trade patterns have emerged. It would consolidate the present 29 essential trade routes and essential trade areas into fewer essential trade areas.

Timetable:

Action	Date	FR Cite
Notice of Intent to Redesignate Essential Trade Routes	03/08/85	50 FR 9532
Public Comment Period Begins	03/08/85	
Public Comment Period Ends	05/15/85	50 FR 16036

DOT—MarAd **Final Rule Stage**

Action	Date	FR Cite
Final Redesignation	04/00/87	

Small Entity: No

Additional Information: It reflects the current pattern of vessel operations. It contemplates amendments to the Operating-Differential Subsidy Agreement for a subsidized operator upon request made to the Maritime Subsidy Board. A detailed discussion of the factors supporting this action is contained in a study of the Agency, Reevaluation of U.S.-Liner Trade Routes. This study is available upon request.

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2400

RIN: 2133-AA44

2045. + CARGO PREFERENCE, U.S.-FLAG VESSELS: EVALUATION OF BIDS FOR SUBSIDIZED LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381.8

Legal Deadline: None.

Abstract: This regulation would establish procedures governing the evaluation by U.S. shipper agencies of bids from subsidized U.S.-flag-liner vessel operators for the carriage of open rated civilian and military preference cargoes.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5015
Final Action	03/00/87	

Small Entity: No

Additional Information: On 11/11/84, MARAD issued a final rule setting forth procedures governing the evaluation by shipper agencies of bids from U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes.

Government Levels Affected: Federal

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA52

2046. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Significance: Nonsignificant

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295, (New)

Legal Deadline: None.

Abstract: Disposition of MARAD Docket S-764, concerning the carriage of preference cargoes by subsidized operators, will affect rulemaking action.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
Final Action	03/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2256

RIN: 2133-AA17

2047. MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 326

Legal Deadline: None.

Abstract: These amendments conform these regulations to reflect existing Maritime Administration (MARAD) practices, office names and addresses concerning the handling of marine protection insurance (P&I) claims by General Agents and Berth Agents under General Agency and Berth Agency Agreements with the United States, acting by and through the Director, National Shipping Authority in MARAD, with respect to vessels under MARAD control in the National Defense Reserve Fleet.

Timetable:

Action	Date	FR Cite
NPRM	05/14/86	51 FR 17659
NPRM Comment Period End	07/14/86	

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 446 Services Incidental to Water Transportation

Agency Contact: Jack Malkin, Chief, Div. of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8121, Washington, DC 20590, 202 366-4161

RIN: 2133-AA51

2048. ● DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS; AMENDMENT OF PROCESSING PROCEDURES FOR CERTAIN APPLICATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 808; 46 USC 835; 46 USC 839; 46 USC 841a

CFR Citation: 46 CFR 221

Legal Deadline: None.

Abstract: Final rule will amend the regulation that imposes fees for processing applications for MARAD approval of the sale, transfer or charter to noncitizens of vessels owned by U.S. citizens and documented under U.S. law, or the transfer of such vessels to foreign registry. This amendment will allow MARAD to reduce any fee, or waive the fee entirely, in appropriate circumstances.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation

Government Levels Affected: Federal

Agency Contact: Jessie Fernanders, Ship Disposal Foreign Transfer Officer, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 2112, Washington, DC 20590, 202 366-5111

RIN: 2133-AA59

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DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Maritime Administration (MarAd)

2049. + ELIMINATION OF RESTRICTIONS ON NON-SUBSIDIZED VOYAGES BY SUBSIDIZED LINER COMPANIES

Significance: Regulatory Program

Legal Authority: 46 USC 1173; 46 USC 1114(b)

CFR Citation: 46 CFR 281

Legal Deadline: None.

Abstract: MARAD amended its regulations with respect to procedures required under liner operating differential subsidy agreements (ODSA) for approval of "Non-Subsidized Voyages." Action revoked existing requirements that the subsidized operator obtain MARAD approval before it or a related company undertakes a non-subsidized voyage.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 40676
NPRM Comment Period End	12/05/85	50 FR 48616
Final Action	11/28/86	51 FR 43003
Final Action Effective	12/29/86	

Small Entity: No

Analysis: Final Regulatory Evaluation 11/28/86

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2400

RIN: 2133-AA18

2050. + FINAL GUIDELINES FOR CONSIDERING EARLY ODS CONTRACT TERMINATIONS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b)

CFR Citation: 46 CFR 1171 to 1185

Legal Deadline: None.

Abstract: MARAD was considering whether to propose regulations that state the factors it will consider in making determinations on requests from operators of vessels under ODS agreements for early termination of the ODS agreements or a cash settlement for early termination, commonly called a "buy out."

Timetable:

Action	Date	FR Cite
Action Terminated	12/31/86	

Small Entity: No

Additional Information: An alternative to rulemaking is to publish no guidelines and consider proposals on an ad hoc basis.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: James E. Caponiti, Chief, Div. of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2326

RIN: 2133-AA47

2051. + OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; GENERAL PROCEDURES FOR DETERMINING ODS

Significance: Agency Priority

Legal Authority: 46 USC 1171 to 1176; 46 USC 1178 to 1181

CFR Citation: 46 CFR 252

Legal Deadline: None.

Abstract: Under the current system for determining subsidy for bulk vessels as set forth in 46 CFR 252, final payments are delayed an average of three years. The current system precludes the operators from timely receipt of monies due them, thereby hindering the companies' cash management capability and the government's ability to forecast accurate budget obligations. The amended rule prescribes new procedures for determining subsidy. The new system provides payment of ODS as a fixed and final daily amount so the operators and the government can firmly establish the amounts of subsidy receivable on a current basis.

Timetable:

Action	Date	FR Cite
NPRM	12/23/85	50 FR 52339
NPRM Comment Period End	02/21/86	
Final Action	11/07/86	51 FR 40422
Final Action Effective	12/08/86	51 FR 40422

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Analysis: Draft Evaluation 12/23/85; Final Evaluation 11/07/86

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA53

2052. MAKING EXCESS OR SURPLUS FEDERAL PROPERTY AVAILABLE TO THE UNITED STATES MERCHANT MARINE ACADEMY (USMMA), STATE MARITIME ACADEMIES AND APPROVED NONPROFIT MARITIME TRAINING INSTITUTIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1295g

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: MARAD proposed to implement a provision in the Maritime Education and Training Act of 1980 to make excess or surplus vessels, shipboard equipment and other marine equipment available to the USMMA, State Maritime Academies and other nonprofit training institutions approved jointly by MARAD and the Coast Guard. Action has been suspended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/83	48 FR 54254
NPRM Comment Period End	01/16/84	48 FR 54254
Withdrawn	03/05/87	52 FR 6829

Small Entity: No

Additional Information: To be withdrawn to avoid interagency disagreement.

Affected Sectors: 442 Deep Sea Domestic Transportation; 444 Transportation on Rivers and Canals; 445 Local Water Transportation; 829 Schools and Educational Services, Not Elsewhere Classified

Analysis: Draft Regulatory Evaluation 12/01/83 (48 FR 54254); Final Regulatory Evaluation 04/00/85

Agency Contact: Arthur Friedberg, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5755

RIN: 2133-AA34

2053. MERCHANT MARINE TRAINING; REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b); PL 97-31

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: The Maritime Administration is considering amending its merchant marine training regulations to rescind a 10-percent reduction in the number of student incentive payments offered to incoming students at the state maritime academies/colleges. The reduction which is being rescinded was published in the Federal Register on April 4, 1984, as one of a number of amendments to 46 CFR Part 310 (49 FR 13364). This action was considered necessary because the 1985 and 1986 funding levels for maritime training, contained in appropriation legislation, exceeded the funding level that had been reflected in the April 1984 MARAD rulemaking action.

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/86	

Small Entity: No

Additional Information: Rulemaking withdrawn because 1987 maritime training appropriation was consistent with existing regulation.

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges; 44 Water Transportation

Agency Contact: Edwin M. Hackett, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2648

RIN: 2133–AA42

[FR Doc. 87-6783 Filed 04-24-87; 8:45 am]

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

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[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[7] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.